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House Journal

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House journal of the Legislative Assembly of the Territory of Dakota 1862-<1868/1869>; and

Journal of the House … session of the Legislative Assembly 1885-1889

LLMC #: 01098t

HOUSE JOURNAL

OF THE

NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA.

PUBLISHED BY AUTHORITY.

YANKTON, DAKOTA TERRITORY.
STONE & KINGSBURY, PUBLIC PRINTERS, YANKTON PRESS OFFICE.
1870-71.

HOUSE JOURNAL.

1870-71.

FIRST DAY.

TERRITORY OF DAKOTA, HOUSE OF REPRESENTATIVES,
YANKTON, Monday, Dec. 5, 1870.

On the 5th day of December, A. D. 1870, it being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota, the members of the House of said assembly met in the Hall of the House of Representatives at Yankton, the capital, at 12 o'clock M., and proceeded to a temporary organization, in the following order, to-wit:

The House was called to order by George I. Foster, former Chief Clerk, who called the roll of members.

The following named gentlemen responded to their names:

Union County, First Legislative District—Charles Allen, V. R. L. Barnes, C. P. Dow, H. A. Jerauld, John C. Sinclair and Sterling L. Parker.

Clay County—F. J. Cross, A. J. Mills, Randolph Mostow, A. F. Shaw, Philip Sherman and Noah Wherry.

Yankton County—A. P. Hammon, Geo. H. Hand, Nelson Learned, Ephraim Miner and Ole Sampson.

Bon Homme County—James Keegan.

Charles Mix and Buffalo Counties—Joseph LaRoche.

Pembina County—Not Represented.

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The prescribed oath of office was then administered to the above named members by Associate Justice, W. W. Brookings.

TEMPORARY ORGANIZATION.

Mr. Geo. H. Hand, of Yankton county, then nominated Mr. Amos F. Shaw of Clay county, for temporary Speaker, and Mr. Joseph LaRoche, of Charles Mix county, nominated Mr. Philip Sherman, of Clay county, for the same office, and the vote being called,

Mr. Shaw received 14 votes, as follows:

Those voting for Mr. Shaw, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hand, Iverson, Jerauld, Learned, Mills, Mostow, Parker, Samson and Sinclair.

Mr. La. LaRoche voted for Mr. Sherman, and

Mr. Sherman voted for Mr. LaRoche.

Mr. Shaw voted for Mr. Hand.

Messrs. Keegan and Wherry not voting.

It appearing that Mr. Shaw had received a majority of all the votes cast, he was declared duly elected temporary Speaker of the House.

Mr. Hammon nominated Geo. I. Foster, for temporary Clerk, and no other nomination being made, and a vote being taken, Mr. Foster was declared dulyelected temporary Chief Clerk of the House.

ADJOURNMENT.

On motion of Mr. Hammon, the House adjourned until to-morrow at 12 o'clock, M.

GEO. I. FOSTER,
Chief Clerk pro. tem.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 6, 1870.

House met pursuant to adjournment, and was called to order by

The Speaker in the chair.

Roll called.

Absent, Mr. Hancock.

Mr. Hobrough, member elect from Charles Mix and Buffalo counties, and Mr. Wall, member elect from Bon Homme county, being present, came forward and took the oath of office, as members of this House, which oath was administered by Associate Justice W. W. Brookings.

The Journal of the preceding day was then read and approved.

PERMANENT ORGANIZATION.

The Speaker pro-tem then announced as the order of business, the election of a permanent Speaker of the House; whereupon

Mr. Miner nominated Mr. Geo. H. Hand for Speaker of the House.

Mr. Mostow nominated Mr. Amos F. Shaw.

Mr. Keegan nominated Mr. Phillip Sherman.

Mr. Barnes nominated Mr. Sterling L. Parker for the same position.

And a vote being taken

Mr. Hand received 6 votes.

Mr. Shaw received 7 votes.

Mr. Parker received 5 votes, and

Mr. Sherman received 2 votes, as follows:

Those voting for Mr. Hand, were

Messrs. Allen, Hammon, Iverson, Learned, Miner and Sampson.

Those voting for Mr. Shaw, were

Messrs. Cross, Hobrough, Mills, Mostow, Parker, Wall and Wherry.

Those voting for Mr. Parker, were

Messrs. Barnes, Dow, Jerauld, Sinclair and the Speaker, *pro tem.*

Those voting for Mr. Sherman, were

Messrs. Keegan and La Roche.

Mr Sherman voted for Mr. LaRoche.

Mr. Hand voted for Mr. Hammon.

It appearing that no choice of a Speaker had been made, the Speaker *pro tem* ordered that the House again proceed to vote for Speaker, pending which

Mr. Hammon moved that the House adjourn until half-past two o'clock P. M.

Which motion was agreed to.

AFTERNOON SESSION.

House met pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent, Mr. Hancock.

On motion of Mr. Hammon,

The reading of the Journal of the morning session was dispensed with.

The Speaker *pro tem* then announced as the order of business the election of a permanent Speaker of the House, and ordered that the Clerk *pro tem* proceed to call the roll, and

A vote being taken

Mr. Hand received 7 votes.

Mr. Shaw received 7 votes.

Mr. Parker received 3 votes, and

Mr. Sherman received 2 votes, as follows:

Those voting for Mr. Hand, were

Messrs. Allen, Hammon, Iverson, Jerauld, Learned, Miner and Sampson.

Those voting for Mr. Shaw, were

Messrs. Cross, Hobrough, Mills, Mostow, Parker, Wall and Wherry.

Those voting for Mr. Parker, were

Messrs. Barnes, Dow and Sinclair.

Those voting for Mr. Sherman, were

Messrs. Keegan and LaRoche.

Mr. Hand and the Speaker *pro tem* voted for Mr. Hammon.

Mr. Sherman voted for Mr. LaRoche.

It appearing that no choice of a Speaker had been made, the Speaker *pro tem* ordered that the Clerk *pro tem* again proceed to call the roll, pending which

Mr. Hammon moved that the House take a recess for one hour.

Which motion was agreed to.

AFTER RECESS.

At the expiration of the hour of recess,

The Speaker *pro tem* resumed the chair, and called

The House to order, and

Ordered, that the House proceed to the election of a Speaker, and a vote being taken

Mr. Hand reeived 18 votes.

Mr. Sherman received 2 votes, as follows:

Those voting for Mr. Hand, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hobrough, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Sinclair, Wall, Wherry and Mr. Speaker *pro tem.*

Those voting for Mr. Sherman, were

Messrs. Keegan and LaRoche.

Messrs. Hand and Sherman not voting.

It appearing that Mr. Hand had received a majority of all the votes cast, he was declared duly elected Speaker of the House.

On motion of Mr. Hammon,

A committee of three was appointed by the Chair to wait upon the Speaker elect to the Chair.

Messrs. Hammon, Cross and Parker were appointed as such committee.

The committee having discharged their duty, the Speaker took the Chair and said:

Gentlemen of the House of Representatives:—

Allow me on assuming the duties of this Chair, to express to you my sincere thanks for the distinguished honor you

have conferred upon me, in electing me to preside over your deliberations as Speaker of this House.

Distrusting as I do my own ability to properly discharge the important duties which you have imposed upon me, I feel that I shall fail to meet your approbation unless I should receive from you that kindly co-operation and assistance which it is in your power to extend.

Hoping that I may receive this, and that all our proceedings may be characterized by harmony and good feeling, having in view the single purpose of adopting such measures as shall tend to advance the material interests and develop the great resources of our growing Territory, I again thank you for the honor you have conferred upon me.

Associate Justice W. W. Brookings then administered to him the oath of office.

The Speaker then announced as the order of business, the election of subordinate officers of the House, whereupon

Mr. Hammon nominated Mr. Geo. I Foster for Chief Clerk, and

Mr. Keegan nominated Mr. T. J. Sloan for the same office, and the vote being taken

Mr. Foster received 13 votes, and

Mr. Sloan received four votes, as follows:

Those voting for Mr. Foster, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

Those who voted for Mr. Shaw, were

Messrs. Hobrough, Keegan, LaRoche and Sherman.

It appearing that Mr. Foster had received a majority of all the votes cast he was declared duly elected Chief Clerk of the House.

Mr. Miner nominated Mr. C. B. Valentine for Assistant Clerk.

Mr. Keegan nominated Mr. L. W. Case for the same position.

The vote being taken

Mr. Valentine received 18 votes, and

Mr. Case received 4 votes, as follows:

Those who voted for Mr. Valentine, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Iverson,

Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

Those who voted for Mr. Case, were

Messrs. Hobrough, Keegan, LaRoche and Sherman.

It appearing that Mr. Valentine had received a majority of all the votes cast, he was declared duly elected Assistant Clerk of the House.

Mr. Allen nominated John McClellan for Sergeant-at-arms.

Mr. Keegan nominated Mr. Geo. Brown for the same position.

The vote being taken,

Mr. McClellan received 18 votes, and

Mr. Brown received four votes, as follows:

Those who voted for Mr. McClellan, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

Those who voted for Mr. Brown, were

Messrs. Hobrough, Keegan, LaRoche and Sherman.

It appearing that Mr. McClellan had received a majority of all the votes cast, he was declared duly elected Sergeant-at-arms of the House.

Mr. Mostow nominated C. E. Stacey for Fireman.

Mr. LaRoche nominated Mr. Charles F. Rossteuscher for the same position, and

Mr. Keegan, nominated Mr. J. R. Hanson.

The vote being taken,

Mr. Stacey received 18 votes, and

Mr. Rossteuscher received 3 votes, and

Mr. Hanson received 1 vote, as follows:

Those who voted for Mr. Stacey, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

Those who voted for Mr. Rossteuscher, were

Messrs. Hobrough, LaRoche and Sherman.

Mr. Keegan voted for Mr. Hanson.

It appearing that Mr. Stacy had a majority of all the votes cast, he was declared duly elected Fireman of the House.

Mr. Parker, nominated Eugene Williams for Messenger.

Mr. Keegan nominated Thomas Williams for the same position.

The vote being taken,

Mr. Eugene Williams received 18 votes, and

Mr. Thomas Williams received 4 votes, as follows:

Those who voted for Mr. Eugene Williams, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

Those who voted for Mr. Thomas Williams, were

Messrs. Hobrough, Keegan, LaRoche and Sherman.

It appearing that Mr. Eugene Williams had received a majority of all the votes cast, he was declared duly elected Messenger of the House.

Mr. Learned nominated Rev. Joseph Ward for Chaplain, and there being no other nomination, and

A vote being taken,

Mr. Ward having received all the votes cast, was declared duly elected Chaplain of the House.

RESOLUTION.

Mr. Hammon submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Chief Clerk be instructed to inform the Council that the House is permanently organized by the election of the following officers:

Geo. H. Hand, *Speaker.*

Geo. I. Foster, *Chief Clerk.*

C. B. Valentine, *Ass't Clerk.*

John McClellan, *Sergt-at-arms.*

C. E. Stacey, *Fireman.*

Eugene Williams, *Messenger.*

Rev. Joseph Ward, *Chaplain.*

LEAVE OF ABSENCE GRANTED.

On motion of Mr. Hammon,

Mr. Learned was granted leave of absence indefinitely.

ADOPTION OF RULES.

Mr. Hammon moved that the Rules of the last House be adopted for the government of this House, until otherwise ordered.

Which motion was agreed to.

USE OF HALL GRANTED.

On motion of Mr. Hammon,

The use of Representative Hall was granted to Mr. A. J. Sweetzer, proprietor of the St. Charles hotel, for the purpose of holding a Telegraph Ball on Wednesday evening, Dec. 7, 1870.

On motion of Mr. Shaw,

The use of Representative Hall was granted to Charles F. Rossteuscher, for the purpose of holding a German Ball on Christmas evening, Dec. 24th, 1870.

ADJOURNMENT.

On motion of Mr. Shaw, the House adjourned.

GEO. I. FOSTER,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES.
Wednesday, Dec. 7th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Roll called.
Absent Messrs. Hancock and Learned.

Rev. Joseph Ward, Chaplain elect then came forward and the Speaker administered the oath of office to him as Chaplain of the House.

On motion of Mr. Hammon, the reading of the journal of yesterday was passed to the foot of the calendar.

RESOLUTIONS.

Mr. Mills submitted the following resolution, which was read, considered and agreed to.

Resolved, That a Committee of three be appointed for the purpose of waiting upon the Hon. Secretary of the Territory, and ascertain what number of newspapers, if any, he will allow to each member of the House.

Messrs. Mills, Jerauld and Dow, were appointed as such committee.

Mr. Hammon submitted the following resolution, which was read, considered and agreed to.

Resolved, That a committee of three be appointed to draft rules for the government of this House, and that said committee be instructed to confer with a similar committee on the part of the Council to draft joint rules.

Messrs. Hammon, Keegan and Iverson were named as such committee.

RECESS.

Mr. Shaw moved that the House take a recess of one hour.
Which motion was agreed to.

AFTER RECESS.

The hour of recess having expired,
The Speaker resumed the chair, and
Called the House to order, whereupon

RESOLUTIONS.

Mr. Hammon submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Hon. Council be invited to meet in joint convention with this House, in the Hall of the House, to receive the message of His Excellency, the Governor, at such time as shall be agreeable to the Council.

Mr. Hammon, submitted the following resolution, which was read, considered and agreed to:

Resolved, That a committee of three be appointed to act in conjunction with a similar committee to inform His Excellency, the Governor, that the two Houses are now organized and ready to receive any communication he may be pleased to make.

Messrs. Hammon, Shaw and LaRoche were named as such committee.

The journal of yesterday was then read and approved.

ADJOURNMENT.

On motion of Mr. Shaw, the House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER, *Chief Clerk.*

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 8th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.

Mr. Hancock, member elect from Pembina county, came forward, and the Speaker administered the oath of office to him as member of this House.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Learned and Samson.

The journal of the preceding day was then read and approved.

REPORT OF COMMITTEE.

Mr. Mills, chairman of the special committee, appointed to confer with the Secretary of the Territory, respecting the number of newspapers to be furnished the House, submitted the following report.

MR. SPEAKER.—Your committee has conferred with the Hon. Secretary, and he desires the House to signify the number, and what papers it wishes furnished.

On motion of Mr. Keegan,

The committee's report was adopted, and the committee discharged.

MOTIONS.

Mr. Cross moved that the House proceed to the election of an enrolling clerk, pending which

Mr. Wall moved to postpone the consideration of the question until to-morrow, and that it be made the special order immediately after the reading of the Journal, which latter motion was agreed to.

On motion of Mr. Miner, Mr. Sampson was excused for non-attendance to day, on account of sickness.

REPORT OF COMMITTEE.

On leave, Mr. Hammon from select committee, submitted the following:

MR. SPEAKER.—Your committee appointed to act with a similar committee on the part of the Council to inform his Excellency, the Governor, that the two Houses are now organized and ready to receive any communication he may be pleased to make to them, has performed that duty, and I have to report that His Excellency, the Governor, will communicate to the joint convention this day at three o'clock, P. M.

A. P. HAMMON,
Chairman Com.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Dec. 8, 1870.

MR. SPEAKER.—I am directed by the Hon. Council to inform the Hon. House that the Council will be ready to meet the House in joint convention, at 3 o'clock this P. M., to receive the Governor's message, if this hour suits the pleasure of the House.

GEO. T. REA,
Secretary.

NOTICE OF BILLS.

Mr. Iverson gave notice that he would on to-morrow or on some subsequent day of the session, ask leave to introduce a bill entitled "A bill to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes."

ADJOURNMENT.

On motion of Mr. Hammon
The House adjourned until this afternoon, at half past two o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment,
Mr. Speaker in the chair.
Roll called.
Absent, Messrs. Learned and Samson.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council.

COUNCIL CHAMBER,
Wednesday, Dec. 7th, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable body that the Council is permanently organized by the election of the following officers:-

President, Emory Morris;
Secretary, Geo. T. Rea;
Assistant Secretary, H. C. Green;
Sergeant-at-Arms, Louis Samson;
Fireman, Andrew Rauum;
Messenger, Robert Crew;
Chaplain, Rev P. B. Morrison.

GEO. T. REA,
Secretary.

RESOLUTION.

Mr. Hammon submitted the following resolution:
Resolved, That the chair appoint a committee of two to escort the Council to the Hall of this House, to meet in joint convention.

Messrs Hammon and Hancock were named as such committee.

The committee appointed to conduct the Council now retire, and after a brief absence, announced the Honorable Council and conducted the members to seats within the body of the House.

THE JOINT CONVENTION.

The Speaker of the House presiding, called the Joint Convention to order.

On motion of Mr. Hammon, the Secretary of the Council and Assistant Clerk of the House were instructed to act as Clerks of the Joint Convention.

The roll was called, and the following gentlemen answered to their names:

COUNCIL.—Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

MEMBERS OF THE HOUSE.—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

Absent, Messrs Learned and Samson.

A quorum of each house being present, the Chair proclaimed the Joint Convention fully organized, and ready for the business for which it was convened, whereupon

Mr. Turner moved that a committee of three, to consist of one member of the Council and two from the House, be appointed to wait upon His Excellency, the Governor, and inform him that the two houses have assembled in Joint Convention, and await his pleasure, which motion was agreed to.

Messrs. Turner, Miner and Jerauld were named as such committee.

After a brief absence, the committee returned accompanied by His Excellency, the Governor, the Chief Justice and Associate Justices, and the Territorial officers of Dakota, and reported as follows:

MR. CHAIRMAN.—Your committee appointed to wait upon His Excellency, the Governor, and to inform him that the Joint Convention of the Legislative Assembly is in session, and await his pleasure, have discharged that duty, and have the honor to present His Excellency, the Governor.

His Excellency was then invited to the Speaker's stand where he delivered his first bi-ennial message.

His Excellency having retired, on motion of Mr. Hammon, the Joint Convention dissolved, whereupon the Speaker called the House to order.

RESOLUTION.

Mr. Shaw submitted the following resolution, which was read, considered and agreed to:

Resolved, That two thousand copies of the Governor's Message be ordered printed for the use of the House.

MOTIONS.

On motion of Mr. Hammon,

The Governor's Message was made the special order for Saturday next, at 11 o'clock, A. M.

ADJOURNMENT.

On motion of Mr. Miner, the House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER, *Chief Clerk.*

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 9, 1870.

House met pursuant to adjournment, and was called to order by

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Learned and Sherman.

The Journal of the preceding day was then read and approved.

ELECTION OF ENROLLING CLERK.

The hour having arrived designated as the time for the con-

sideration of the special order, the Speaker announced that the election of an Enrolling Clerk was then in order.

Whereupon, Mr. Cross nominated Mr. Ole B. Larson for Enrolling Clerk, and

No other nomination being made, and a vote being taken, Mr. Larson was declared duly elected Enrolling Clerk of the House.

MOTIONS AND RESOLUTION.

Mr. Hammon submitted the following resolution which was read, considered and agreed to:

Resolved, That a committee consisting of one member from each county, be appointed as a select committee on Apportionment, to whom shall be referred all matters pertaining to districting and apportioning the Territory for purposes of representation in the Legislative Assembly.

Mr. Hancock submitted the following resolution which was read, considered and ageed to:

Resolved, That there be printed in French, 250 copies additional of the Governor's Message; *Provided*, It can be done in this Territory, and at a cost not exceeding the usual price of printing in English.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Dec. 9, 1870.

MR. SPEAKER.—I am instructed to inform your Hon. body that the Council has passed C. B. No. 1, A memorial to Congress asking for a repeal of the law passed July 14, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871; also

Council File No. 2, A memorial to the Congress of the United States, asking that the 9th session of the Legislature of Dakota be extended to sixty days, which are herewith respectfully submitted.

GEO. T. REA,
Secretary.

On motion of Mr. Hammon,

The Sergeant-at-arms was instructed to request the workmen on the roof of this Hall to suspend work during sessions of the House.

NOTICE OF BILLS.

Mr. Shaw gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to encourage the planting of fruit trees.

Mr. Mills gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill regulating the rates of toll to be taken by custom flouring mills.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce bills and memorials entitled as follows:

A bill to restore to, and increase the representation of Pembina county.

A bill constituting the county of Pembina a judicial district and for other purposes.

A memorial to the Congress of the United States asking an appropriation to construct a military road from Fort Abercrombie to Fort Pembina in the Territory of Dakota; also

A memorial to the President to remove the Pembina or Chippewa Indians to their agency in White Earth.

Mr. Allen gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill legalizing the official acts of certain county officers of Minnehaha county.

INTRODUCTION OF BILLS.

Mr. Iverson introduced H. F. No. 1, entitled A bill to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota and for other purposes; read a first time and ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

C. B. No. 1, entitled A memorial to Congress asking for a repeal of the law passed July 14, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871.

Was then taken up and read a first time, and

On motion of Mr. Shaw,

The rules were suspended, and under the operation thereof the bill was

Read second time.

Mr. Hammon moved the rules be suspended, and under the operation thereof, the bill be read a third time.

Pending which, Mr. Shaw submitted the following amendment which was agreed to:

Insert after the word repeal, in line 23rd of printed bill, the following words: "Or extend the time for which said payment shall be made, for two years from the 14th day of July, 1871."

The question then recurring upon the motion of Mr. Hammon, it was agreed to and the bill read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21, noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title,

Mr. Hammon moved that the tilte be amended to conform to the amendment to the bill, which motion was agreed to.

Whereupon the title was amended to read as follows:

A memorial to Congress asking for the repeal of the law passed July 14th, 1870, requiring pre-emption claimants to make proof and payment for their land before the 14th day of July, 1871, or for an extension of the time in which said proof and payment shall be made.

The title as amended was then agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence in the amendments.

C. B. No. 2, entitled A memorial to the Congress of the United States asking that the 9th session of the Legislative Assembly of the Territory of Dakota, be extended to sixty days,

Was taken up and read first time, and

On motion of Mr. Hammon,

The rules were suspended, and under the operation thereof the bill was read a second time.

Mr. Shaw moved that the rules be suspended and that under the operation thereof the bill be read a third time.

Pending which, Mr. Hancock submitted the following amendments, which were agreed to:

1st. Insert after the words "Legislative Assembly," the following in the twenty-first line of printed bill, "or restore the annual sessions."

2nd. After the word "and" in the same line of printed bill, insert the following: "in case the extension shall be granted."

3rd. Strike out the word "the" immediately preceding the word "Legislative" in the same line of printed bill, and insert in lieu thereof the word "this."

The question then recurring upon the motion of Mr. Shaw, it was agreed to, and

The bill read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 21, noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative so the bill passed.

The question then being upon agreeing to its title,

Mr. Hancock moved that the title be amended to conform to the amendments to the bill, which motion was agreed to, whereupon the title was amended to read as follows:

A memorial to the Congress of the United States, asking that the ninth session of the Legislative Assembly of the Territory of Dakota, be extended to 60 days, or that annual sessions be restored.

The title as amended was then agreed to.

Ordered that the Chief Clerk acquaint the Council therewith, and request concurrence in the amendments.

RECESS.

Mr. Hammon moved that the House take a recess of fifteen minutes.

Which motion was agreed to.

AFTER RECESS.

At the expiration of the hour of recess, the Speaker resumed the chair and called the House to order and announced the Standing Committee of the House as follows:

STANDING COMMITTEES.

Ways and Means—Messrs. Shaw, Barnes, Miner, Keegan and Allen.

Judiciary—Messrs. Hammon, Jerauld, Sherman, Parker and Iverson.

Railroads—Messrs. Learned, Cross, Dow and Allen.

Public Lands—Messrs. Parker, Wherry and Wall.

Federal Relations—Messrs. Jerauld, Mostow and Samson.

Education—Messrs. Mills, Learned and Sinclair.

Towns and Counties—Messrs. Wall, Hammon and Sherman.

Military Affairs—Messrs. Allen, Hancock and LaRoche.

Incorporations—Messrs. Mostow, Keegan and Hobrough.

Agriculture—Messrs. Sinclair, Parker and Wherry.

Manufactures—Messrs. Iverson, Miner and Sinclair.

Elections—Messrs. Miner, Shaw, Dow, Barnes and Keegan.

Indian Affairs—Messrs. Hobrough, Mostow and Wall.

Public Buildings—Messrs. Barnes, Mills and Hammon.

Public Printing—Messrs. Samson, Cross and Dow.

Highways, Bridges and Ferries—Messrs. Hancock, Mills and Jerauld.

Mines and Minerals—Messrs. Wherry, Sherman and Parker.

Engrossment—Messrs. Dow, Miner and Jerauld.

Enrollment—Messrs. Cross, Iverson and Learned.

On motion of Mr. Shaw,

Ordered that 250 copies of the Standing Committees, be printed.

The Speaker then announced the Special Committee on Apportionment, as follows:

Messrs. Hammon, of Yankton; Shaw, of Clay; Parker, of Union; Jerauld, of Lincoln; Iverson, of Minnehaha; Hancock, of Pembina; Wall, of Bon Homme; and LaRoche, of Charles Mix.

Mr. Hammon moved that the names of this committee be printed with those of the Standing Committees.

Which motion was agreed to.

On motion of Mr. LaRoche,

Mr. Wall was excused from attendance for three days.

On motion of Mr. LaRoche,

Mr. Keegan was excused from attendance for one week.

ADJOURNMENT.

On motion of Mr. Hammon, the House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

SIXTH DAY.

HOUSE OF REPRESENTATIVES.
Saturday, Dec. 10th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Learned, Wall and Keegan.
The journal of the preceding day was then read and approved.

COMMUNICATION FNOM THE GOVERNOR.

The Speaker presented a communication from the Governor, which was read as follows:

EXECUTIVE OFFICE,
YANKTON, D. T., December 9th, 1870.

HON. GEO. H. HAND,
Speaker of the House of Representatives,

SIR.—I have the honor to inform you that I have appointed

William Pound my Private Secretary, and all communications from the Executive Department to your Honorable body, will be transmitted through him.

Very respectfully, your obedient servant,

JOHN A. BURBANK,

Governor.

INTRODUCTION OF BILLS.

Mr. Honcock introduced H. F. No. 2, A memorial to the President of the United States, relative to the removal of the Pembina band of Chippewa Indians,

Read a first time, and

On motion of Mr. Miner,

The rules were suspended, and under the operation thereof, the memorial was read a second and third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker —20.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put.

The title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith, and request its concurrence therein.

Mr. Allen introduced H. F. No. 3, A bill legalizing the official acts of certain officers of Minnehaha county.

Read first time and ordered to a second reading.

Mr. Hancock introduced H. F. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina, and thence to the International boundary line, in Dakota Territory.

Read a first time and ordered to a second reading.

Mr. Hancock, by unanimous consent, without previous notice, introduced H. F. No. 5, A bill to amend an act en-

titled "An act to organize the county of Pembina, and for other purposes."

Read first time and ordered to a second reading.

COMMITTEE OF THE WHOLE.

The hour having arrived designated for the consideration of the general order, the house resolved itself into a committee of the whole, on the Governor's message, Mr. Hancock in the chair.

After some time spent therein, the committee rose and through their chairman, reported as follows:

MR. SPEAKER.—The House in committee of the whole has had under consideration the general order to-wit: the Governor's message, and have instructed me to report the following resolutions:

Resolved, That so much of the Governor's message as relates to bi-ennial sessions of the Legislature and pre-emption laws, be referred to the committee on Federal Relations;

That so much as relates to the codification of the laws of Dakota, be referred to the committee on the Judiciary;

That so much as relates to Territorial finances, be referred to the committee on Ways and Means;

That so much as relates to schools, be referred to the committee on Education;

That so much as relates to a penitentiary, be referred to the committee on Public Buildings;

That so much as relates to Indians, be referred to the committee on Indian Affairs;

That so much as relates to railroads, be referred to the committee on Railroads, and that a committee of three be appointed as one of the standing committees of this House, to be styled the "committee on Benevolent Institutions," relates to the care of insane persons, be referred to the said committee, and that the said several committees be instructed to report to the House by bill or otherwise, and the committee also ask leave to sit again.

On motion of Mr. Shaw, the report was adopted and leave granted.

Whereupon, the Chair announced as the committee on Benevolent Institutions, Messrs. Hammon, Cross and Parker.

ADJOURNMENT.

On motion of Mr. Mostow, the House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER, *Chief Clerk.*

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 12th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Wall, Keegan and Learned.
On motion of Mr. Shaw,
The reading of the Journal of the 10th instant was deferred until to-morrow.

NOTICES OF BILLS.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill granting the right to establish a ferry and build a bridge across the Red River of the North, at or near Pembina, and for other purposes.

Also, A memorial to the Hon. John A. J. Cresswell, Post Master General of the United States, for the increase of mail service on mail route No. ——, from Ft. Abercrombie to Ft. Pembina, Dakota Territory, and for other purposes.

Mr. Mills gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce

A memorial to the Post Master General of the U. S. asking for service on the mail route established from Vermillion to Swan Lake, D. T., and for the establishment of a Post office at Bloomingdale.

Also, A bill providing for the establishment of public highways on section lines.

Mr. Parker gave notice that he will on to-morrow, on some subsequent day of the session, ask leave to introduce

A bill to amend an act entitled an act to provide common schools for the Territory of Dakota.

Also, A memorial to the Post Master General of the U. S. asking service on mail route No. ——, from Ponca, Neb., to Elk Point, D. T.

Mr. Iverson gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce

A memorial to the Post Master General of the United States praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T.

Mr. Shaw gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill to provide for the registration of the voters of this Territory.

Also, A bill to strike the word "male" from the election laws of Dakota Territory.

INTRODUCTION OF BILLS.

Mr. Shaw in the chair.

Mr. Speaker introduced by unanimous consent,

H. F. No. 6, without previous notice, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory. Read first time.

Mr. Speaker introduced by unanimous consent,

H. B. No. 7, without previous notice, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory. Read a first time.

SECOND READING OF HOUSE FILES.

H. B. No. 1, A bill to prevent the importation of Texas or Cherokee cattle into the Territory, and for other purposes, was taken up and read a second time, and

On motion of Mr. Speaker,

Was referred to the committee on Judiciary.

H. B. No. 3, A bill for legalizing the official acts of certain county officers of Minnehaha county, was taken up and read second time, and

On motion of Mr. Speaker,

Referred to the committee on Judiciary.

H. B. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie, and thence to the International boundary line in Dakota Territory, was then taken up and read second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the memorial was read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker —20.

None voted in the negative,so the bill passed.

The question then being on agreeing to its title, and the question being put, the title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith and request its concurrence therein.

H. B. No. 5, A bill to amend an act entitled an act to organize the county of Pembina and for other purposes, was then taken up and read a second time, whereupon

Mr. Hancock moved that the rules be suspended, which motion was agreed to.

Mr. Hancock then submitted the following amendment to the bill, and moved its adoption:

That section 5 of said act is hereby amended so as to read as follows:

The county of Pembina shall hereafter be entitled to two Representatives in the House, and one member of Council who shall be elected at the election to be held on the second Tuesday of October, A. D. 1871.

Mr. Hammon moved to indefinitely postpone the amendment, pending which

Mr. Miner moved the previous question which was seconded.

The question then being on the adoption of the amendment.

The ayes and nays were called for by two members and ordered, and the roll being called, the amendment was lost by the following vote:

Ayes—Mr. Hancock—1.

Nays—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker–19.

So the amendment was lost, whereupon the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker—20.

None voting in the negative, so the bill was passed.

Ordered that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Speaker resumed the chair, and

Mr. Hammon, by consent, moved that the use of this Hall be given to the Odd Fellows on the evening of the 2d day of January, 1871, which motion was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication from the Governor was announced by William Pound, Private Secretary:

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 9, 1870.

HON. GEO. H. HAND,

Speaker of the House of Representatives:

SIR:—I have the honor to communicate for the information of your Honorable body, and for such action as may be deemed proper, a copy of a letter addressed to His Excellency, the Governor of Iowa, on the 30th ultimo and of his reply thereto in regard to the practicability of making a contract for the confinement of criminals from this Territory in the Penitentiary of that State. Owing to the fact that the laws

of the Territory contain no provision for cases of this kind and as I am informed that there is at this time a criminal confined in the Jail in Yankton county, who is under conviction, but upon whom sentence has not yet been passed, I deem it important that some action should be taken by the Legislature looking to this end, either in the manner indicated in the correspondence, or in such other way as may be deemed best.

Very Respectfully,
Your Obt. Servant,
JOHN A. BURBANK,
Governor.

(Copy)

EXECUTIVE OFFICE,
Yankton, D. T., Nov. 30, 1870.

SIR:—I have the honor to request that you will inform me whether a contract may be entered into by which such criminals as may be convicted of Penitentiary offences in this Territory, may be confined in the State Prison of your State, until such time as suitable provision can be made for their confinement at home, and if so, upon what terms. At present, the Territory has no suitable Prison, and no provision has yet been made for the erection of one. The number of criminals for whom it would be necessary to provide, would be quite small, there being at present but one person under conviction.

Very Respectfully,
Your Obt. Servant,
JOHN A. BURBANK,
Governor of Dakota Territory.

HIS EXCELLENCY,
SAMUEL MERRILL,
Governor of Iowa.

(Copy)

STATE OF IOWA,
EXECUTIVE DEPARTMENT,
Des Moines, Dec. 5, 1870.

SIR:—I have the honor to acknowledge the receipt of your letter of Nov. 30, asking "whether a contract may be entered into by which such criminals" as may be convicted of Peni-

tentiary offenses in the Territory of Dakota may be confined "in the Penitentiary of our State until such time as suitable provision for confinement at home, and if so, upon what terms."

In reply thereto I take pleasure in stating that such a contract may be made at any time the authorities of the Territory wish to do so, the terms of the contract being the same as in all similar ones heretofore made with the U. S., and other States and Territories, viz: The payment to the State of Iowa, of the sum of fifty cents per day for each convict from the Territory, confined under the contract.

If the terms should prove satisfactory, be pleased to inform me in order that I may advise the Warden of the Penitentiary of the same.

Very Respectfully,
SAMUEL MERRILL.

His Excellency,
JOHN A. BURBANK,
Governor of Dakota Territory.

On motion of Mr. Hammon,

The communication was referred to committee on Judiciary.

Mr. Hammon moved that when the House adjourn, it be until to-morrow at half-past ten A. M., which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Hammon, the House adjourned.

GEO. H. HAND,
Speaker.

Attest:
Geo. I. Foster,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 13, 1870.

House met pursuant to adjournment,
Mr. Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Keegan, LaRoche and Learned.
By unanimous consent the order for reading of the journal of the 12th inst. was placed at the foot of the calendar.

REPORT OF COMMITTEES.

Mr. Hammon from committee on Judicary submitted the following report:

MR. SPEAKER—The committee on Judiciary to which was referred that portion of the Executive message relating to the custody of State prison convicts, has had the same under consideration, and have instructed me to report the accompanying bill, and reccommend its passage.

A. P. HAMMON.

On motion of Mr. Shaw, the report was adopted.

Mr. Hammon, from select committee on Rules for the Government of the House, submitted the following report:

MR. SPEAKER.—Your select committee on Rules has agreed upon the following House Rules, and has instructed me to report the same, and recommend that they be adopted:

RULES OF THE HOUSE.

1. The Speaker shall take the chair at the time to which the house stands adjourned, and the house shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered upon the journal of the house.

2. Upon the appearance of a quorum, the journal of the

preceding day shall be read by the clerk, and any mistake therein may be corrected by the house.

3. Any four members shall be authorized to compel the attendance of absent members.

4. The Speaker shall preserve order and decorum, and shall decide questions of order subject to an appeal to the house.

5. The Speaker shall vote on all questions taken by yeas and nays, (except on appeals of his own decisions) and in all elections or divisions called for by any member.

6. When the house adjourns, the members shall keep their seats until the Speaker announces the adjournment.

7. Every member previous to his speaking shall rise from his seat and respectfully address the Speaker, and remain standing in his place before proceeding to speak until he is recognized by the chair.

8. When two or more members rise at once, the Speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the chair shall speak first.

9. No member shall speak more than twice on the same subject without leave of the house, nor more than once until every member choosing to speak on the question pending shall have spoken.

10. No motion shall be debated or put, unless the same be seconded; it shall be stated by the Speaker before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

11. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments shall be entered on the journal, whether they are rejected or adopted.

12. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain day, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and a call of the House may be had upon the demand of two members.

13. A motion to adjourn shall always be in order, except when a member is addressing the Chair, or a vote is being taken; that, and the motion to lay upon the table, shall be decided without debate.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

16. All incidental questions of order arising after a motion is made for the previous question during the pending of such motion, or after the House shall have determined that the main question shall be now put, shall be decided, whether on appeal, or otherwise, without debate.

17. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

18. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the house shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote.

19. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

20. If the question in debate contains several points, any member may have the same divided.

21. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to,

shall decide the case. If there be no appeal, the decision of the chair shall be submitted to. On an appeal, no member shall speak more than once without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

22. Every bill shall be introduced by a motion for leave, or by an order of the House on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice of a motion for leave to bring in a bill shall be in writing, and shall contain the title of the bill.

23. Every bill, before being introduced, shall have endorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

24. All bills, memorials or joint resolutions, shall be read the first time for information, and if opposition be made to it, the question shall be: "shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

25. All bills, memorials, or joint resolutions, on their second reading, shall be read at length, and the question taken upon their commitment, amendment or engrossment for a third reading.

26. All bills, memorials, or joint resolutions, on their third reading, shall be read by their title, and no amendment shall be in order except by unanimous consent of the House.

27. Every bill shall be read on three different days, unless in case of urgency two-thirds of the House shall deem it expedient to dispense with this rule, and no bill shall be passed unless it shall have been read once at length.

28. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

29. In forming committee of the whole House, the Speaker shall appoint a chairman to preside.

30. Bills committed to the committee of the whole House, shall, in committee of the Whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing, and reported to the House by the chairman.

31. All questions whether in committee, or in the House, shall be put in the order they are moved, except in cases of privileged questions, and in filling up blanks the largest sum and the longest time shall first be put.

32. A similar mode of proceeding shall be observed with bills which have originated in and passed the Council, as with bills originating in the House except that they shall not be printed.

33. No motion for reconsideration shall be in order unless on the same or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move a reconsideration.

34. When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

35. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

36. The rules of the House shall be observed in committee of the whole House, so far as may be applicable, except that the yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

37. A motion that the committee rise, shall always be in order, and shall be decided without debate.

38. Standing committees shall be appointed on the following subjects:

1. Ways and Means, consisting of five members.
2. Judiciary, five members.
3. Railroads, seven members.
4. Public Lands, three members.

5. Federal Relations, three members.
6. Education, three members.
7. Towns and Counties, three members.
8. Military Affairs, three members.
9. Incorporations, three members.
10. Agriculture, three members.
11. Manufactures, three members.
12. Elections, five members.
13. Indian Affairs, three members.
14. Benevolent Institutions, three members.
15. Public Buildings, three members.
16. Public Printing, three members.
17. Highways, Ferries and Bridges, three members.
18. Mines and Minerals, three members.
19. Engrossment, three members.
20. Enrollment, three members.

39. The committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House, correctly engrossed, before their third reading; said committee may report at any time.

40. The committee on Enrollment shall examine all House bills and joint resolutions, which have passed the two houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the House and Council for their signatures, and when so signed, to the Governor for his approval; said committee may report at any time.

41. Select committees to whom references shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

42. In all cases where a bill, order, or resolution, or motion shall be entered upon the Journals of the House, the name of the member moving the same shall be entered on the journals.

43. No person shall be admitted within the bar of the House but the Executive, members of the Council, Territorial Treasurer and Auditor, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress, and of the Legislative Council.

44. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other

proceedings of the House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day;" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House, and the Clerk shall also keep a book showing the situation and progress of bills.

45. After calling the House to order, the order of business for the day shall be as follows:

1. Prayer by the Chaplain.
2. Calling the roll.
3. Reading the journal.
4. Presentation of petitions and communications.
5. Reports of standing committees.
6. Reports of select committees.
7. Motions and resolutions.
8. Notices of bills.
9. Introduction of bills, joint resolutions, and memorials.
10. Consideration of messages from the council.
11. First reading of council bills, joint resolutions and memorials.
12. Second reading of the same.
13. Third reading of the same.
14. Second reading of the house bills, joint resolutions and memorials.
15. Third reading of the same.
16. Consideration of the general orders.
17. Unfinished business.

46. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

47. When the house have arrived at the general orders of the day, they shall go into committee of the whole upon such orders, or a particular order designated by a vote of the house and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the committee of the Whole shall

consider, act upon or pass the general order according to the order of their reference.

48. The speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the house.

49. The rules of parliamentary practice embraced in Cushing's Manual shall govern the house in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the house, and the joint rules and orders of the council and house of representatives.

50. No rules of the house shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

51. The hour of the daily meeting of the house shall be half past ten o'clock in the morning, until the house direct otherwise.

52. The ayes and noes shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions and memorials in which case the ayes and noes shall be had without any demand.

53. All house bills of a general nature shall on their first reading be printed without a special order of the house, except bills that are rejected.

On motion of Mr. Mills,

The report was adopted.

The House committe on Joint Rules submitted the following report, which was adopted:

JOINT RULES.

1. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairmen, and having conferred freely, each shall report to their respective house the result of their conference.

2. When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent, by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it was sent.

3. All messages between the two houses shall be communicated by the secretary or chief clerk, or their respective assistants.

4. When a bill shall have passed both houses, it shall be dully enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the secretary or clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of three from the council and three from the house of representatives who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the Speaker of the House of Representatives, and then by the President of the Council, in the presence of their respective house, and attested by the Secretary and Chief Clerk.

7. After the bill shall have been thus signed in each house, it shall be presented by said committee to the Governor for his approval, and they shall forthwith report the day and hour of presentation, which shall be entered upon the journal of the house in which the bill originated.

8. All joint resolutions and memorials to Congress, to the President of the United States, to the heads of departments, or to any other person or persons, after they shall have passed both houses, shall be carefully enrolled, signed by the Speaker of the House of Representatives and the President of the Council, attested by the Secretary and Chief Clerk, and before being transmitted to the Secretary of the Territory for safe keeping, shall be carefully copied by the Enrolling and Engrossing Clerk, and such copies after being attested by the presiding officers of each house, and the Secretary of the Council, and the Chief Clerk of the House, shall be forwarded by the presiding officer of the house in which they origin-

ated, to the President of the United States, or the Speaker of the House of Representatives of Congress, or to the person or persons to whom they are intended to be sent.

9. When any bill, joint resolution, or memorial which shall have passed one house, is rejected in the other, notice of said rejection shall be given to the house which passed the same.

10. When a bill, resolution, or memorial which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days notice, and leave of two-thirds of members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the Chief Clerk of the House of Representatives, and Secretary of the Council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. On all questions in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Tuesday, Dec. 13th, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable body that the House amendments to Council bills No. 1 and 2 have been concurred in by the Council.

GEO. T. REA,
Secretary.

Mr. Shaw moved that 250 copies of the Standing Rules of the House be printed for the use of the members, which motion was agreed to.

NOTICE OF BILLS.

Mr. Jerauld gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to prohibit certain animals from running at large in this Territory.

INTRODUCTION OF BILLS.

Mr. Wall, by unanimous consent, without previous notice, introduced H. B. No. 8, A bill attaching certain counties to Bon Homme county for judicial, election and revenue purposes. Read first time.

Mr. Shaw introduced H. B. No. 9, A bill for an act to provide for the registration of the voters of this Territory. Read first time.

Mr. Shaw introduced H. B. No. 10, A bill for an act to strike out the word "male" from the election laws of Dakota Territory. Read the first time.

Mr Shaw introduced H. B. No. 11, A bill for an act to encourage the planting and growing of timber. Read first time.

Mr. Iverson introduced H. B. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T. Read first time.

Mr. Hancock introduced H. B. No. 13, A bill creating the county of Pembina a Judicial District, and providing for terms of Court therein. Read first time.

Mr. Hancock introduced H. B. No. 14, A bill to apportion the representation to the Red River and Pembina District. Read first time.

Mr. Hancock introduced H. B. No. 15, A bill incorporating a Bridge and Ferry company at or near Pembina, Dakota Territory, and for other purposes. Read first time.

H. B. No. 16, Reported by the committee on Judiciary, A bill for an act to provide for the custody of convicts, was taken up and read first time.

SECOND READING OF HOUSE BILLS.

H. B. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory, was then taken up and read a second time, and

Referred to the committee on Judiciary.

H. B. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory, was then taken up and read second time, and

Referred to the committee on Public Buildings.

RECESS.

On motion of Mr. Hammon,

The House took a recess of twenty minutes, after the expiration of which time,

The Speaker resumed the Chair.

The Journal of the 10th and 12th inst's. were then read and approved.

ADJOURNMENT.

On motion of Mr. Hammon, the House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER, *Chief Clerk.*

TENTH DAY.

HOUSE OF REPRESENTATIVES.
Wednesday, Dec. 14th, 1870.

House met pursuant to adjournment, and was

Called to order by

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Keegan and Learned.

The journal of the preceding day was then read and approved.

NOTICE OF BILLS.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to incorporate the Dakota Central, Yankton & British Possession's Railroad Company.

INTRODUCTION OF BILLS.

Mr. Mills introduced H. B. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale and Eureka, to Swan Lake, Dakota Territory. Read first time.

Mr. Hancock introduced H. B. No. 18, A memorial to the Hon. John A. J. Cresswell, Post Master General of the United States, praying that the mail service on route No. ——, from Ft. Abercrombie to Pembina be increased to six times a week. Read a first time.

SECOND READING OF HOUSE FILES.

H. B. No. 8, A bill attaching certain counties to Bon Homme county for Judicial, Election and Revenue purposes, was then taken up and read a second time, and

On motion of Mr. Hancock,

Referred to the committee on Judiciary..

H. B. No. 10, A bill for an act to strike the word "male" out of the election laws of Dakota Territory, was then taken up and read a second time, whereupon

Mr. Shaw moved that the bill be referred to a select committee of three.

Which motion was disagreed to.

Mr. Miner moved to lay the bill on the table, which motion was disagreed to.

Mr. Hancock moved that the bill be made the special order for Friday next at 11 o'clock, A. M., which motion was agreed to.

H. B. No. 11, A bill for an act to encourage the planting and growing of timber, was taken up and read a second time, and

Referred to the committee on Agriculture.

H. B. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., was taken up and read a second time, and

Referred to the committee on Federal Relations.

H. B. No. 13, A bill creating the county of Pembina a Judicial District, and providing for terms of the Court therein, was then taken up and read a second time, and

Referred to the Judiciary committee.

H. B. No. 14, A bill to apportion the representation to the Red River and Pembina district, was then taken up and read second time, and

Referred to the committee on Apportionment.

H. B. No. 16, A bill to provide for the custody of convicts, was then taken up and read a second time, and

On motion of Mr. Hammon,

The rules were suspended, and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—21.

None voting in the negative.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith, and request its concurrence therein.

ADJOURNMENT.

On motion of Mr. Hammon, the House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,)
Thursday, Dec. 15th, 1870.)

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Mr. Learned.
The Journal of the preceding day was read and approved.

REPORTS OF COMMITTEES.

Mr. Barnes from the committee on Public Buildings submitted the following report:

MR. SPEAKER.—Your committee on Public Buildings to which was referred H. B. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory, have had the same under consideration, and instructed me to report the bill back to the House and recommend its passage.

On motion of Mr. LaRoche,
The report was adopted.

Mr. Hammon from committee on Judicary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to which was referred H. B. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; and

H. B. No. 3, A bill for legalizing the official acts of certain county officers of Minnehaha county, has had the same under consideration and instructed me to report them back to the House and recommend their passage.

Your committee has also had under consideration H. B. No. 1, A bill to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and other purposes and

has instructed me to report the same back to the House with amendments, with the recommendation that the amendments be adopted and that the bill do pass.

A. P. HAMMON,
Chairman Com.

Mr. Jerauld from the committee on Federal Relations, submitted the following report:

MR. SPEAKER.—Your committee on Federal Relations to which was referred H. B. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., has had the same under consideration and instruct me to report the bill back, with the recommendation that it do pass.

On motion of Mr. Shaw,

The report was adopted.

MOTIONS.

Mr. Wall moved that Mr. LaRoche be excused for non-attendance on the 13th inst., on account of sickness, which motion was agreed to.

INTRODUCTION OF BILLS.

Mr. Iverson, by unanimous consent, and without previous notice introduced H. B. No. 19, A memorial to the Post Master General, requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T. Read first time.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council.

COUNCIL CHAMBER,
Thursday, Dec. 15th, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable body that the Council has passed C. B. No. 3, entitled A bill fixing the time of holding the Supreme Court in the Territory of Dakota and for other purposes; also

C. B. No. 6, entitled An act to change the name of the town site of Lincoln, in the county of Lincoln, Territory of Dakota; also

C. B. No. 7, entitled A memorial to the Post Master General requesting mail service on route No. ——, from Algona, Iowa, via Canton, Dakota Territory, to Yankton, Dakota Territory; also

C. B. No. 8, entitled A joint resolution requesting all railroad companies organized under and by virtue of the laws of the Territory to report to the present session of the Legislature; also

C. B. No. 10, entitled An act repealing a portion of section 704 of an act entitled An act to establish a code of criminal procedure for Dakota Territory, approved Jan. 12, 1869, which I herewith transmit and the favorable consideration and concurrence of the House is respectfully requested.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Thursday, Dec. 15, 1870.

MR. SPEAKER.—I am instructed to inform you that the Council has passed

H. B. No. 16, A bill for an act to provide for the custody of convicts, and the same is herewith respectfully transmitted.

GEO. T. REA,
Secretary.

Ordered that H. B. No. 16, be enrolled.

COUNCIL BILLS ON FIRST READING.

C. B. No. 6, An act to change the name of the town-site of Lincoln, in the county of Lincoln, Territory of Dakota, was then taken up, read first time, and ordered to a second reading.

C. B. No. 7, A memorial to the P. M. General requesting mail service on route No. ——, from Algona, Iowa, to Canton, Dakota Territory, was taken up and read first time and ordered to a second reading.

C. B. No. 8, A joint resolution requesting all railroad companies organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature, was then taken up and read first time and ordered to a second reading.

C. B. No. 10, An act repealing a portion of section 704 of an act entitled An act to establish a Code of Criminal Procedure for Dakota Territory, approved Jan. 12, 1869, was then taken up and read a first time and ordered to a second reading.

C. B. No. 3, A bill fixing the time of holding the Supreme Court in the Territory of Dakota, and for other purposes, was then taken up, read first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second time.

Mr. Miner was called to the Chair.

Mr. Speaker moved to amend the bill by striking out the first section, which motion was agreed to.

Whereupon Mr. Speaker submitted the following amendment and moved its adoption:

After the word "that" in section second, insert the words "section 2nd."

Pending which, Mr. Hancock moved that the bill be referred to the committee on Judiciary, which motion was disagreed to.

The question then being on the motion of Mr. Speaker and it being put, the amendment was agreed to, and the bill read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker —19.

Those voting in the negative, were

Messrs. Hammon, Hancock and Wall—3.

Mr. Speaker moved to reconsider the vote last taken, and moved to lay the motion on the table.

Which last motion was agreed to.

The question then being on agreeing to the title of the bill.

Mr. Speaker moved that the title be amended so as to read as follows:

A bill for an act to amend chapter 23 of the laws of 1868–9, which motion was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith, and request concurrence in the amendments.

Mr. Speaker in the Chair.

SECOND READING OF HOUSE FILES.

H. B. No. 9, A bill for an act to provide for the registration of the voters of this Territory, was then taken up and read a second time, and

Referred to the committee on Elections.

RECESS.

Mr. Mills moved that the House do now take a recess until half-past seven o'clock this P. M.

AFTER RECESS.

At half-past seven o'clock P. M. the House was called to order by

The Speaker in the chair.

Roll called.

Absent, Messrs. Hobrough, Learned and Samson.

USE OF HALL GRANTED.

Mr. Wall moved that the use of this Hall be tendered to the citizens of Yankton for the purpose of holding a social party, which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Wall, the House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 16, 1870.

House met pursuant to adjournment,
Mr. Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Mr. Learned.
The Journal of the preceding day was then read and approved.

REPORT OF COMMITTEES.

Mr. Sinclair from the committee on Agriculture submitted the following report:

MR. SPEAKER.—Your committee on Agriculture to which was referred H. B. No. 11, entitled A bill to encourage the planting and growing of timber, has had the same under consideration, and has instructed me to report the same back with the following amendments, and recommend that the bill as amended do pass.

1st. Strike out the words "twenty-five" where they occur in the eleventh line of the first section and in lieu thereof insert "fifteen."

2d. Strike out the word "two" where it occurs in the fourteenth line of the first section, and in lieu thereof insert the word "three."

MOTIONS AND RESOLUTIONS.

Mr. Hancock moved that H. B. No. 10, A bill for an act to strike the word "male" out of the election laws of Dakota Territory, the special order for to-day, at eleven o'clock a. m., be made the special order for Tuesday, Dec. 20th, at two o'clock p. m., which motion was agreed to.

Mr. Parker submitted the following resolution which was read, considered and agreed to.

Resolved, That the Secretary of this Territory is hereby requested to furnish this House with fresh water to drink each day during the present session of the Legislature:

Mr. Hancock submitted the following resolution which was read, considered and agreed to:

Resolved, That the Debating Club of Yankton have permission to use this Hall on Saturday evening next, for the purpose of debating.

Mr. Barnes in the chair.

NOTICE OF BILLS.

Mr. Speaker gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to establish the courts and define the jurisdiction of Justices of the Peace.

Mr. Speaker in the chair.

Mr. Iverson gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial to the Post Master General, praying that mail service be ordered on mail route No. ——, from Sioux Falls to Flandreau, D. T.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial requesting an appropriation from Congress for the purpose of removing obstructions in the Red River of the North, thereby improving navigation.

INTRODUCTION OF BILLS.

Mr. Hancock introduced H. B. No. 20, A bill to incorporate the Dakota Central, Yankton & British Possessions Railroad Company. Read first time.

Mr. Mills introduced H. B. No. 21, a bill regulating the toll of custom flouring mills. Read first time.

Mr. Parker introduced H. B. No. 22, A bill to amend an act entitled An act to provide common schools for the Territory of Dakota. Read first time.

SECOND READING OF COUNCIL BILLS.

C. B. No. 6, A bill to change the name of the town-site of

Lincoln, in the county of Lincoln, Territory of Dakota, was taken up, and read second time, and

Referred to committee on Towns and Counties.

C. B. No. 7, A memorial to the Post Master General requesting mail service on route No. ——, from Algona, Iowa, via Canton, Dakota Territory, was then read a second time, and

Referred to committee on Federal Relations.

C. B. No. 8, Joint resolution requesting all railroad companies organizing under and by virtue of the laws of this Territory, to report to the present session of the Legislature, was taken up and read second time, and

Referred to the committee on Railroads.

C. B. No. 10, A bill repealing a portion of section 704, of an act entitled An act to establish a Code of Criminal Procedure for Dakota Territory, approved January 12, 1869, was taken up and read second time, and

Referred to the committee on Judiciary.

HOUSE FILES ON SECOND READING.

H. B. No. 15, A bill incorporating a Bridge and Ferry Company at or near Pembina, Dakota Territory, and for other purposes, was then taken up and read second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. B. No. 17, a memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale and Eureka to Swan Lake, Dakota Territory, was then taken up and read second time, and

Referred to the committee on Federal Relations.

H. B. No. 18, A memorial to the Hon. J. A. J. Cresswell, Post Master General of the United States, praying that the mail service on route No. ——, from Fort Abercrombie to Pembina, be increased to six times a week, was then taken taken up and read a second time, and

Referred to the committee on Federal Relations.

H. B. No. 19, A memorial to the Post Master General requesting mail service on mail route from LeMars, Iowa, to Sioux Falls, D. T., was taken up and read second time, and

Referred to the committee on Federal Relations.

REPORTED BACK BY COMMITTEE.

H. B. No. 1, A bill for an act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes.

Reported back by the committee on Judiciary with amendments, was then taken up, and

On motion of Mr. Hammon,

Made the special order for to-morrow at 11 o'clock, A. M.

THIRD READING OF HOUSE FILES.

H. B. No. 3, A bill for legalizing the official acts of certain county officers of Minnehaha county,

Reported back by the committee on Judiciary, was taken up, and

On motion of Mr. Allen,

The bill was considered engrossed and was read third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Jerauld, Keegan, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr.Speaker—18.

None voting in the negative.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request its concurrence therein.

H. B. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory,

Reported back by the committee on Judicary, was taken up, and

On motion of Mr. Hammon,

The bill was ordered engrossed, and read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Dow, Hammon, Hancock,

Jerauld, Keegan, Mills, Miner, Mostow, Parker, Samson, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—17.

Nays none.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith and request its concurrence therein.

H. B. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol Building in Dakota Territory,

Reported back by the committee on Public Buildings, was then taken up, and

On motion of Mr. Miner,

The bill was considered engrossed and read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Dow, Hammon, Hancock, Jerauld, Keegan, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—18.

Nays none.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. B. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., was then taken up, and

On motion of Mr. Iverson,

The bill was considered engrossed and read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Dow, Hammon, Hancock, Jerauld, Keegan, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—18.

Nays none.

So the bill was passed.

The question then being on agreeing to its title, and it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request its concurrence therein.

On motion of Mr. Wall,

The use of this Hall was tendered to Mrs. George A. Batchelder, on Tuesday evening, Dec. 20, 1870, for the purpose of "Reception."

ADJOURNMENT.

On motion of Mr. Miner, the House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 17, 1870.

House met pursuant to adjournment,

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Learned.

The Journal of the preceding day was then read and approved.

REPORT OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. B. No. 16, A bill for an act to provide for the custody of convicts and found the same correctly enrolled.

FRED J. CROSS,
Ch'n Com.

Mr. Cross from the committee on Railroads submitted the following report:

MR. SPEAKER:—Your committee on Railroads to which was referred C. B. No. 8, A joint resolution requesting all railroad companies organized under and by virtue of the laws of the Territory, to report to the present session of the Legislature, have had the same under consideration, and beg leave to report the same back to the House, and recommend that it do pass.

FRED J. CROSS,
Chairman.

On motion of Mr. Hancock,

The report was adopted, and the bill ordered to a third reading.

Mr. Jerauld from the committee on Federal Relations submitted the following report:

MR. SPEAKER.—Your committee on Federal Relations to which was referred C. B. No. 7, A memorial to the Post Master General requesting mail service on route No. ——, from Algona, Iowa, via Canton, D. T. to Yankton, D. T.; also

H. B. No. 18, A memorial to the Hon. J. A. J. Cresswell, Post Master General of the United States, praying that the mail service on route No. ——, from Fort Abercrombie to Pembina, be increased to six times a week, have had the same under consideration and instructed me to report the bills back to the House with the recommendation that they do pass.

H. A. JERAULD,
Chairman.

On motion of Mr. Hancock,

The report was adopted and the bills ordered to a third reading.

Mr. Wall from the committee on Towns and Counties submitted the following report:

MR. SPEAKER:—Your committee on Towns and Counties to which was referred C. B. No. 6, A bill to change the name of Lincoln in Lincoln county, Territory of Dakota, has had the same under consideration, and instructed me to report the bill

back to the House with the recommendation that it do pass.

E. W. WALL,
Chairman.

On motion of Mr. Jerauld,

The report was adopted and the bill ordered to a third reading.

Mr. Hancock from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries beg leave to report that they have examined H. B. No. 15, entitled An act incorporating a Bridge and Ferry Company at or near Pembina, Dakota Territory, and for other purposes, and report it back to the House, with the following amendments and recommend its passage:

1st. Insert in section 1, first line "J." before "Kinsey," after "Kinsey" in same line and section the names of "J. J. Hill, C. Cavaleer and J. Rolette.

2nd. After "years" in second section 7th line, add "provided said bridge or bridges shall be so erected as not to impede the navigation of said river.

JOHN HANCOCK,
Chairman.

On motion of Mr. Hancock,

The amendments reported by the committee were agreed to, whereupon Mr. Shaw submitted the following amendments which were agreed to:

Strike out the word "thirty" in line four of section 2d of printed bill, and insert in lieu thereof the word "ten."

Strike out the word "thirty" in line seven of section 2d of printed bill, and inser in lieu thereof the word "ten."

On motion of Mr. Hancock,

The bill was considered engrossed and ordered to a third reading.

Mr. Hammon from the committee on apportionment submitted the following report:

MR. SPEAKER:—Your select committee on apportionment has had the subject under consideration, and instructed me to report the accompanying bill.

A. P. HAMMON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hancock moved that the special order for 11 o'clock, A. M. to-day, be placed at the foot of the Calendar.

Which motion was agreed to.

NOTICE OF BILLS.

Mr. Wall gave notice the he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to regulate Ferries and Ferry Charters in Dakota Territory.

INTRODUCTION OF BILLS.

Mr. Iverson introduced H. B. No. 23, A memorial to the Post Master General praying for mail service on mail route No. ——, from Sioux Falls to Flandreau, D. T. Read first time.

CONSIDERATION OF COMMUNICATIONS FROM THE COUNCIL.

The following communication from the Council was taken up for consideration:

COUNCIL CHAMBER,
Friday, Dec. 16th, 1870.

MR. SPEAKER.—I am instructed to inform the House that the Council has refused to concur in House amendments to C. B. No. 3, entitled A bill fixing the time of holding the Supreme Court in the Territory of Dakota, and for other purposes, and the same is herewith respectfully submitted.

GEO. T. REA,
Secretary.

Whereupon Mr. Shaw moved that the House insist upon the amendments, and ask for a committee of Conference.

Which motion was agreed to.

Messrs. Shaw, Jerauld and Sinclair were named as such committee on the part of the House.

THIRD READING OF COUNCIL BILLS.

C. B. No. 6, A bill to change the name of the town-site of Lincoln in the county of Lincoln, Territory of Dakota, was taken up and read third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—22.

Nays none.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith.

C. B. No. 7, A memorial to the Post Master General requesting mail service on route No. ——, from Algona, Iowa, via Canton, Dakota Territory, to Yankton, Dakota Territory, and was taken up and read a third time.

The question then being upon its passage and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—22.

Nays none.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 8, Joint resolution requesting all railroad companies organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature, was taken up and read third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—22.

Nays none.

The question then being upon agreeing to its title and it being put.

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

THIRD READING OF HOUSE FILES.

H. B. No. 15, A bill incorporating a Bridge and Ferry company at or near Pembina, Dakota Territory, and for other purposes, was then taken up and read third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Ayes—Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall and Wherry—20.

Nays—Messrs. Cross and Mr. Speaker—2.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. B. No. 18, A memorial to the Hon. J. A. J. Cresswell, Post Master General of the United States, praying that the mail service on route No. ——, from Ft. Abercrombie to Pembina be increased to six times a week, was taken up and read third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Ayes—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—22.

Nays none.

The question then being on agreeing to its title and it being put,

Mr. Hancock moved to amend the title by striking out the words "J. A. J. Cresswell," which motion was agreed to.

The title as amended was agreed to.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 11 o'clock, A. M., on Saturday, Dec. 17, A. D. 1870, present to the Governor for his approval H. B. No. 16, entitled A bill for an act to provide for the custody of convicts.

COMMUNICATION FROM THE GOVERNOR.

The Speaker presented a communication from His Excellency the Governor, which was read as follows:

EXECUTIVE OFFICE,
YANKTON, D. T., December 16th, 1870.

HON. GEO. H. HAND,
Speaker of the House of Representatives,

SIR.—I have the honor to transmit to your Honorable Body with my signature and approval, H. B. No. 16, An act to provide for the custody of convicts.

Very Respectfully,
Your Obt. Servant,
JOHN A. BURBANK,
Governor.

Mr. Speaker announced the resignation of Ole B. Larsen, Enrolling Clerk of the House.

Whereupon Mr. Shaw moved that the House proceed to an election to fill the vacancy. Which motion was agreed to.

Mr. Shaw nominated Mr. Carl Christinsen for Enrolling Clerk.

No other nominations being made, and a vote being taken, MR. Christinsen was declared duly elected Enrolling Clerk of the House, having received 22 votes, the whole number cast.

Mr. Speaker then administered the oath of office to Mr. Christinsen.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Saturday, Dec. 17th, 1870.

MR. SPEAKER.—I am instructed to inform you that the Council has passed

C. B. No. 13, entitled A memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory; also

C. B. No. 14, entitled A memorial to Congress asking for the construction of wagon roads and appropriation for bridging streams on said roads; also

C. B. No. 16, entitled A memorial to the Congress of the U. S., praying for an appropriation of money to build a Penitentiary in Dakota Territory; also

C. B. No. 17, entitled A memorial to Congress asking for a grant of land for College purposes in the Territory of Dakota; also

C. B. No. 4, entitled An act creating the office of County Clerk and other purposes; also

C. B. No. 20, entitled A memorial to the Secretary of the Interior, requesting that supplies for the Indians on the Upper Missouri river, be purchased of the farmers and producers of Dakota Territory, and the same are herewith transmitted and the concurrence of the House respectfully requested.

GEO. T. REA,
Secretary.

UNFINISHED BUSINESS.

Mr. Hancock moved that the report of the committee on Apportionment be accepted.

Which motion was agreed to.

Mr. Hancock moved that the report of the committee, together with the bill reported be made the special order for next Monday, Dec. 19, at half-past 11 o'clock, A. M., and that the House proceed with its consideration until disposed of.

Which motion was agreed to.

The hour designated by the House for the consideration of the Special Order having arrived,

The Speaker announced the House in committee of the Whole House on the Special Order, to-wit:

H. B. No. 1, A bill for an act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota and for other purposes.

Mr. Hammon in the Chair.

After some time spent in committee of the Whole.

The committee arose and through its Chairman reported that the committee of the Whole having had under consideration the Special Order, has instructed me to report progress and ask leave to sit again.

On motion of Mr. Jerauld,

The report was adopted and leave granted.

ADJOURNMENT.

On motion of Mr. Jerauld,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES.
Monday, Dec. 19th, 1870.

House met pursuant to adjournment, and was

Called to order by

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Jerauld and Learned.

The journal of the preceding day was then read and approved.

MOTIONS.

On motion of Mr. Parker,

Mr. Jerauld was excused for non-attendance to-day on account of sickness.

On motion of Mr. Hancock,

The special order for this afternoon was postponed until to-morrow at two o'clock P. M.

INTRODUCTION OF BILLS.

Mr. Hancock introduced H. B. No. 25, A memorial to Congress for an appropriation to remove obstructions in the Red River of the North.

Read first time.

Mr. Speaker introduced H. B. No. 26, A bill to establish the courts and define the jurisdiction of justices of the peace.

Read the first time.

COUNCIL BILLS ON FIRST READING.

C. B. No. 4, An act creating the office of county clerk and for other purposes, was then taken up and

Read first time and ordered to a second reading.

C. B. No. 13, A memorial to Congress asking for the establishment of a mail route from Yankton to Old Fort James, Dakota Territory, was taken up.

Read first time, and ordered to a second reading.

C. B. No. 14, A memorial to Congress asking for the construction of Government wagon roads and appropriations for bridging streams on said roads was taken up and

Read first time, and ordered to a second reading.

C. B. No. 16, A memorial to the Congress of the United States praying for an appropriation of money to build a penitenitary in Dakota Territory, was taken up.

Read first time and ordered to a second reading.

C. B. No. 17, A memorial to Congress asking for a grant of lands for college purposes in the Territory of Dakota, was taken up.

Read first time and ordered to a second reading.

C. B. No. 20, A memorial to the Secretary of the Interior, requesting that supplies for the Indians on the Upper Missouri river be purchased of the farmers and producers of Dakota Territory, was taken up.

Read first time and ordered to a second reading.

SECOND READING OF HOUSE FILES.

H. B. No. 21, An act regulating the toll of custom flouring mills, was taken up.

Read second time, and

On motion of Mr. Hammon, referred to a special committee of three.

Messrs Hammon, Cross and Barnes were named as such committee. Mr. Hammon not wishing to serve upon the committee, was excused, and Mr. Iverson named as a member of the committee.

H. B. No. 22, A bill to amend an act entitled "An act to provide common schools for the Territory of Dakota," was taken up.

Read second time and referred to the committee on Education.

H. B. No. 23, A memorial to the Postmaster General for mail services from Sioux Falls to Flandreau, D. T., was taken up.

Read second time and referred to the committee on Federal Relations by unanimous consent.

H. B. No. 24, A bill to divide the Territory of Dakota into Council and Representative Districts and to apportion Councilmen and representatives therein, was taken up and

Read a first time.

SPECIAL ORDER.

The hour designated by the House for the consideration of the special order having arrived, the Speaker announced the House in committee of the Whole on the special order.

Mr. Hammon in the chair.

After some time spent therein, the committee arose, and through its chairman reported that the committee of the Whole having had under consideration the Special Order, to-wit:

H. B. No. 24, A bill to divide the Territory of Dakota into Council and Representative Districts, and apportioning the Councilmen and Representatives therein, has instructed me to report the bill to the House without recommendation.

On motion of Mr. Hancock,

The report was adopted.

On motion of Mr. Hancock,

The rules were suspended and the bill was read a second and third times.

The question then being on its passage, and it being put, "shall the bill pass?"

It was carried by the following vote:

Ayes—Messrs. Allen, Cross, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—18.

Nays—Messrs. Barnes, Dow and Parker—3.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

H. B. No. 11, A bill to encourage the planting and growing of timber, which was reported back by the committee on Agriculture, on the 15th inst. with amendments, was taken up and

On motion of Mr. Shaw,

The amendments reported by the committee on Agriculture were agreed to.

On motion of Mr. Shaw,

The bill was considered engrossed and read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative by the following vote:

Ayes—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—21.

Nays none.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Monday, Dec. 19th, 1870.

MR. SPEAKER.—I am instructed to inform the House that

the Council did on the 17th inst. pass C. B. No. 9, entitled A memorial to the Post Master General of the U. S. asking for an increase of mail service between Elk Point and Sioux Falls, and the same is herewith transmitted and the concurrence of the House respectfully requested.

GEO. T. REA,
Secretary.

ADJOURNMENT.

On motion of Mr. Parker,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 20th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Learned and Jerauld.
The Journal of the preceding day was read and approved.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER,
Tuesday, Dec. 20, 1870.

MR. SPEAKER.—I am instructed to inform the Honorable

House that the Council did on the 19th inst. appoint Messrs. Turner, Kennedy and Stone as Conference Committee to act in conjuction with a like committee of the House on C. B. No. 3, A bill fixing the time of holding the Supreme Court in the Territory of Dakota, and for other purposes.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Tuesday, Dec. 20th, 1870.

I am instructed to inform the House that the Council did on the 19th inst., pass House Files, as follows:

H. F. No. 3, entitled A bill for legalizing the official acts of certain county officers of Minnehaha county; also

H. F. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina and thence to the International boundary line in Dakota Territory; also

H. F. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; also

H. F. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, Dakota Territory; also

H. F. No. 18, A memorial to the Hon. P. M. General of the United States praying that the mail service on route No. ——, from Fort Abercrombie to Pembina be increased to six times a week, and the same is herewith respectfully transmitted.

I am also instructed to inform the House that the Council did on the 19th inst. pass

C. B. No. 21, entitled A memorial to Congress asking that a mail route may be established between LeMars, Iowa and Yaknton, Dakota Territory; also a joint resolution as follows:

Resolved, By the House concurring, that Chas. H. Greno be elected an Engrossing Clerk for both Houses during this session of the Legislature.

And that the Council did on the 19th inst. pass C. B. No 23, A memorial to Congress asking an appropriation to enable the Sioux City & Missouri River Telegraph Company to extend their line from Yankton to Fort Randall, Dakota Territory, and the same is herewith transmitted and the concurrence of the House respectfully requested.

GEO. T. REA,
Secretary.

Ordered, That said House Files be enrolled.

REPORTS OF COMMITTEES.

Mr. Mostow from the committee on Federal Relations to whom was referred H. F. No. 17, entitled A memorial to the Post Master General requesting service on mail route No.——, from Vermillion, D. T. via Bloomingdale and Eureka, to Swan Lake, D. T., have had the same under consideration and have instructed me to report the same back to the House with recommendation that it do pass.

Your committee has also had under consideration H. F. No. 19, A memorial to the Post Master General requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T., and has instructed me to report the same back to the House with the recommendation that it do pass.

R. Mostow.
Chairman.

On motion of Mr. Shaw,

The report was adopted and the memorials ordered to a third reading.

Mr. Shaw from the committee on Conference submitted the following report:

Mr. Speaker:—The committee of Conference appointed by the two Houses of the Legislature of Dakota Territory, on C. B. No. 3, A bill for an act fixing the time for holding the Supreme Court for the Territory of Dakota, would respectfully report that they have had the same under consideration and have agreed to recommend that the House recede from their amendments

J. W. Turner, *Chn. Council Com.*
A. F. Shaw, *Chn. House Com.*

Mr. Cross from Special committee submitted the following report:

Mr. Speaker:—Your Select committee to whom was referred H. F. No. 21, entitled An act regulating the toll of Custom Flouring Mills, have had the same under consideration and instruct me to report the same back and recommend that it do pass.

Fred J. Cross,
Chairman.

Mr. Mills from the committee on Education submitted the following report:

MR. SPEAKER:—Your committee on Education to whom was referred H. F. No. 22, entitled An act to amend an act entitled an act to provide common schools for the Territory of Dakota, have had the same under consideration and have instructed me to report the same back with the following amendment and recommend that the bill as amended do pass:

Insert in second line section four after the word (words) "with fees and cost of collecting," and after the word "within" in same line insert "thirty" in lieu of sixty.

A. J. MILLS,
Chairman Com.

MOTIONS AND RESOLUTIONS.

Mr. Hammon moved that the Territorial Superintendent of Public Instruction be invited to appear in person and read his Annual Report before the House.

Which motion was agreed to.

On motion of Mr. Parker,

Mr. Jerauld was excused for non-attendance to-day on account of sickness.

On motion of Mr. Hammon,

The Sergeant-at-arms was instructed to ascertain why Mr. Learned is not in his seat.

NOTICE OF BILLS.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office and United States Court, at Pembina, Dakota Territory.

Mr. Cross gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to authorize the County Commissioners of Clay county to keep in repair the military bridge across the Vermillion river, also to legalize the acts of the Board of County Commissioners of said county in making repairs on said bridge heretofore.

THIRD READING OF COUNCIL BILLS.

C. B. No. 9, A memorial to the Post Master General for an increase of mail service between Elk Point and Sioux Falls, was then taken up and read a first time, and

On motion of Mr. Hancock,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 21, noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker—21.

None voting in the negative, so the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 21, A memorial to Congress asking that a mail route may be established between LeMars, Iowa and Yankton, Dakota Territory, was then taken up and read a first time, and

On motion of Mr. Hancock,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 21, noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered that the Chief Clerk acquaint the Council therewith.

C. B. No. 23, A memorial to Congress asking an appropriation to enable the Sioux City and Missouri River Telegraph Company to extend their line from Yankton to Fort Randall, Dakota Territory, was then taken up and read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF COUNCIL BILLS.

C. B. No. 13, A memorial for a mail route from Yankton to Fort Firesteel, was then taken up and read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill read a third time.

The question then being upon its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put.

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 14, A memorial concerning Government wagon roads, was then taken up and read a second time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 16, A memorial for an appropriation to build a Penitentiary, was then taken up and read a second time, and

On motion of Mr. Wall,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow,

Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 17, A memorial for a grant of lands for College purposes, was then taken up and read a second time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 20, A memorial requesting that the supplies for the Indians on the Upper Missouri be purchased in Dakota, was then taken up and read a second time, and

On motion of Mr. Shaw,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

C. B. No. 4, Creating the office of county clerk and for other purposes, was then taken up and read a second time and ordered to a third reading.

SECOND READING OF HOUSE FILES.

H. F. No. 20, An act to incorporate the Dakota Central, Yankton and British Possessions Railroad Company, was then taken up and read a second time, and

On motion of Mr. Hancock,

Referred to the committee on Railroads.

H. F. No. 25, A memorial for an appropriation to remove obstructions in the Red River of the North, was then taken up and read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the memorial was read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

THIRD READING OF HOUSE FILES.

H. F. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D.

T. via Bloomingdale and Eureka, to Swan Lake, Dakota Territory, was then taken up and read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request its concurrence therein.

H. F. No. 19, A memorial to the Post Master General for service on route from LeMars, Iowa, to Sioux Falls, D. T., was then taken up and read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the memorial was passed.

The question then being on agreeing to the title and it bein put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

UNFINISHED BUSINESS.

On motion of Mr. Shaw,

The report of the committee of Conference was taken up for consideration.

Whereupon Mr. Wall moved that the report be adopted.

Mr. Shaw in the chair.

The ayes and nays being desired by two members and ordered, and it being put,

It was decided in the affirmative;

Ayes 14; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hammon, Hancock, Iverson, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall and Mr. Wherry.

Those voting in the negative, were

Messrs. Barnes, Dow, Hobrough, Keegan, LaRoche, Sherman and Mr. Speaker.

So the motion was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Shaw,

Concurrent resolution received from the Council, was taken up for consideration and read as follows:

Resolved, By the House concurring, that Charles H. Greeno be elected an Engrossing Clerk for both Houses during this session of this Legislature.

Whereupon Mr. Wall moved that a committee of one be appointed to wait upon Mr. Greeno and procure a specimen of his hand writing, which motion was agreed to.

Mr. Wall was named as such committee.

Mr. Speaker in the chair.

On motion of Mr. Miner,

The House resolved itself into a committee of the whole house on H. F. No. 1.

Mr. Miner in the chair.

And after some time spent therein the committee arose and through its Chairman reported that the committee of the whole house, having had under consideration H. F. No. 1, A bill to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes, has instructed me to report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

On motion of Mr. Miner,

The report was adopted.

On motion of Mr. Mills,

The bill was considered engrossed and read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Keegan, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Hobrough, LaRoche and Mr. Wall.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Tuesday, Dec. 20th, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable Body that the Council did on the 20th inst. pass C. B. No. 22, entitled an act authorizing Clerks of Courts in certain cases to adjourn the same, and the same is herewith transmitted and the concurrence of the House respectfully requested.

Also, that the Council did on the 20th inst. pass H. F. No. 2, A memorial to the President of the United States relative to the removal of the Pembina band of Chippewa Indians: also

H. F. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building, in Dakota Territory, and the same are herewith respectfully transmitted.

GEO. T. REA,
Secretary.

Ordered, that said House File be enrolled.

ADJOURNMENT.

On motion of Mr. Mostow,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

SEVEHTEENTH DAY.

HOUSE OF REPRESENTATIVES.
Wednesday, Dec. 21st, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Mr. Jerauld.

The journal of the preceding day was then read and approved.

James S. Foster, Esq., Territorial Superintendent of Public Instruction being present, by invitation of the House, came forward and read his seventh annual report.

On motion of Mr. Mostow,
Ordered, That two thousand copies of the report be printed.

Whereupon Mr. Hammon by consent submitted the following resolution, which was read, considered and agreed to:

Resolved, That the report of the Superintendent of Public Instruction after being printed be referred to the committee on Education, and that said committee be instructed to report on the same to this House by bill or otherwise.

REPORTS OF COMMITTEES.

Mr. Mostow from the committee on Federal Relations submitted the following report:

MR. SPEAKER.—Your committee on Federal Relations to to whom was referred H. F. No. 23, A memorial to the Post Master General praying for mail service on mail route No. ——, from Sioux Falls to Flandreau, D. T., have had the same under consideration and would report the same back to the House with the recommendation that it do pass.

R. MOSTOW.
Chairman.

On motion of Mr. Iverson,
The report was adopted and the bill considered engrossed and ordered to a third reading.

Mr. Wall from Select committee submitted the following report:

MR. SPEAKER:—Your Select committee appointed to wait upon Mr. Greeno and enquire as to his competency to fill the office of Engrossing Clerk for the two Houses, has procured a specimen of handwriting and herewith submit the same to the House for their consideration.

E. W. WALL,
Committee.

On motion of Mr. Mostow,
The report was adopted.

INTRODUCTION OF BILLS.

Mr. Hancock introduced H. F. No. 27, A memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office and United States Court at Pembina, Dakota Territory.

Read a first time.

FIRST READING OF COUNCIL BILLS.

C. B. No. 22, An act authorizing Clerks of Courts in certain cases to adjourn the same, was then taken up and read a first time and ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

C. B. No. 4, Creating the office of County Clerk and for other purposes, was then taken up and read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 21, noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Wall, Wherry and Mr. Speaker—21.

None voting in the negative, so the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

THIRD READING OF HOUSE FILES.

H. F. No. 23, A memorial to the Post Master General for mail service from Sioux Falls to Flandreau, D. T., was then taken up and read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the memorial was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

On motion of Mr. Miner,

The House resolved itself into committee of the whole House on H. F. No. 21 and 22.

Mr. Shaw in the chair.

And after some time spent therein, the committee arose and

through its Chairman reported that the committee of the whole House having had under consideration H. F. No. 21, An act to regulate the toll of Custom Flouring Mills, and H. F. No. 22, A bill to amend an act to provide Common Schools for the Territory of Dakota, has instructed me to report the bills to the House with amendments and recommend their adoption and that the bills as amended do pass.

On motion of Mr. Mills,

The report was adopted.

Ordered, That said bills be engrossed for a third reading.

Mr. Shaw moved that the House concur in the concurrent resolution of the Council with reference to Engrossing Clerk.

Which motion was disagreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER,
Wednesday, Dec. 21, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable body that the Council did this day pass C. B. No. 5, (Substitute) A bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota, which bill is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Wednesday, Dec. 21st, 1870.

MR. SPEAKER.—I am instructed to inform the Hon. House that the Council did on the 21st inst., pass C. B. No. 24, entitled A memorial to the Congress of the United States, asking for an appropriation of money to bridge the Sioux river at or near Canton, Dakota Territory, and the same is herewith transmitted and the concurrence of the House respectfully requested.

GEO. T. REA,
Secretary.

RECESS.

Mr. Miner moved that the House do now take a recess until 2 o'clock P. M.

Which motion was agreed to.

AFTER RECESS.

House was called to order by

Mr. Speaker in the chair.

Roll called.

Absent, Mr. Jerauld.

The hour designated by the house for the consideration of the Special Order having arrived the Speaker announced the House in committee of the whole House on H. F. No. 10.

Mr. Hancock in the chair.

And after sometime spent therein, the committee arose and through its Chairman reported that the committee of the whole House, having had under consideration the Special order, to-wit:

H. F. No. 10, A bill for an act to strike the word "male" out of the election laws of Dakota Territory, has instructed me to report the bill to the house without recommendation.

On motion of Mr. Shaw,

The report was adopted.

On motion of Mr. Shaw,

The bill was referred to the committee on Elections.

ADJOURNMENT.

On motion of Mr. Miner,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest;

GEO. I. FOSTER,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 22d, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
All present.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 6, An act to change the name of the town-site of Lincoln, in the Territory of Dakota; also

C. B. No. 7, A memorial to the Post Master General requesting services on mail route No. ——, from Algona, Iowa, via Canton, D. T., to Yankton, Dakota Territory, and find the same correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Learned from the committee on Railroads submitted the following report:

MR. SPEAKER:—Your committee on Railroads have had under consideration H. F. No. 20, An act to incorporate the Dakota Central, Yankton and British Possessions Railroad Company, and have instructed me to report the same with the recommendation that the bill do pass.

NELSON LEARNED.

Mr. Miner from the committee on Elections submitted the following report:

MR. SPEAKER.—Your committee on Elections to whom was referred H. F. No. 10, A bill for an act to strike the word

"male" out of the election laws of Dakota Territory, has had the same under consideration and instructed me to report the bill to the House without recommendation.

E. MINER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Shaw submitted the following resolution which was read considered and agreed to.

Resolved, That the public printer be requested to furnish the members of this House with printed copies of the Standing Rules of this House at an early day, if possible.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Wednesday, Dec. 21st, 1870.

MR. SPEAKER–I am instructed to inform your Hon. Body that the Council has this day passed H. F.No.19,A memorial to the P. M. Gen. requesting mail service on mail route from Le-Mars, Iowa, to Sioux Falls, D. T., and the same is herewith respectfully transmitted.

Also, that the Counci has this day passed C. B. No. 18, A memorial to Congress asking for a geological survey of the Territory of Dakota, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, That said House File No. 19, be enrolled.

FIRST READING OF COUNCIL BILLS.

C. B. No. 5, (Substitute) A bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota, was then taken up and read a first time, and ordered to a second reading.

C. B. No. 18, A memorial to Congress asking for a geological survey of the Territory of Dakota, was then taken up and read a first time, and

On motion of Mr. Hancock,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 24, A memorial for an appropriation to bridge the Sioux river near Canton, was then taken up and read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill read a second and third time.

The question then being upon its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 23; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF COUNCIL BILLS.

C. B. No. 22, An act authorizing Clerks of Court in certain

cases to adjourn the same, was then taken up and read a second time, and ordered to a third reading.

SECOND READING OF HOUSE FILES.

H. F. No. 27, A memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office and U. S. Court at Pembina, was then taken up and read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the memorial was read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 23: noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the memorial was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request its concurrence therein.

UNFINISHED BUSINESS.

On motion of Mr. Shaw,

H. F. No. 10, A bill for an act to strike the word "male" out of the election laws of Dakota Territory, reported back by the committee on Elections without recommendation, was taken up and considered engrossed and read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the negative,

Ayes 7; noes 16, as follows:

Those voting in the affirmative, were

Messrs. Cross, Hancock, Learned, Mills, Shaw, Sinclair and Wherry.

Those voting in the negative, were

Messrs. Allen, Barnes, Dow, Hammon, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Miner Mostow, Parker, Samson, Sherman, Wall and Mr. Speaker.

So the bill was lost.

Mr Barnes moved that when this House adjourn it adjourn until to-morrow morning at 9 o'clock.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Hammon

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 23, 1870.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Wall.

On motion of Mr. Shaw,

The reading of the Journal of the previous day was dispensed with.

REPORTS OF COMMITTEES.

Mr. Dow from the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 21, entitled an act regulating the tolls of custom flouring mills, beg leave to report the same back as correctly engrossed.

C. P. Dow.

Mr. Miner from the committee on Elections submitted the following report:

MR. SPEAKER:—The committee on Elections have had under consideration H. F. No. 9, A bill for an act to provide for the registration of the voters of this Territory, and beg leave to report the same back to the House and recommend that Sec. 14, be amended as follows, to-wit:

Provided, That any voter who was unable to present himself before the registration board shall be allowed on election day to prove to the Judges of election his right to vote on the testimony of one or more competent witnesses personally known to said Judges of election, and when so proven, he shall be allowed to deposit his vote and the committee recommend that the bill when so amended do pass.

E. MINER,
Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Keegan,

Mr. Wall was excused for non-attendance to-day on account of sickness.

On motion of Mr. Shaw,

The report of the committee on Elections, on H. F. No. 9, A bill for an act to provide for the registration of the voters of this Territory together with the bill, were made the Special Order for Thursday, Dec. 29th, at half-past 11 o'clock A. M.

INTRODUCTION OF BILLS.

Mr. Hancock by consent introduced H. F. No. 28, A bill to amend the act to protect persons holding claims on the public lands.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Mostow, by consent introduced H. F. No. 29, Joint resolution relative to Hon. S. L. Spink.

Read a first time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the joint resolution was read a second and third time.

The question then being on its passage, and it being put, "shall the joint resolution pass?"

It was decided in the affirmative;

Ayes 16; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

Mr. Hobrough voted in the negative.

Messrs. Keegan, LaRoche and Sherman were excused from voting.

So the joint resolution was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Jerauld introduced H. F. No. 30, A bill for an act to prohibit stock from running at large in this Territory.

Read a first time and ordered to a second reading.

SECOND READING OF COUNCIL BILLS.

C. B. No. 5, (Substitute) A bill protecting cultivated lands and young timber, from trespassing animals in the Territory of Dakota, was then taken up and read a second time, and

On motion of Mr. Shaw,

Made the Special Order for Friday, Dec. 30th, at 2 o'clock, P. M.

THIRD READING OF COUNCIL BILLS.

C. B. No. 22, An act authorizing Clerks of Courts in certain cases to adjourn the same, was then taken up, and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

THIRD READING OF HOUSE FILES.

H. F. No. 21, An act to regulate the toll of Custom Flouring Mills, reported correctly engrossed, was then taken up, and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner,

Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 3, An act for legalizing the official acts of certain county officers of Minnehaha county; also

H. F. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie, to Fort Pembina and thence to the International Boundary line in Dakota Territory.

H. F. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory.

H. F. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory.

H. F. No. 19, A memorial to the Post Master General requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T.

H. F. No. 2, A memorial to the President of the United States relative to the removal of the Pembina band of Chippewa Indians.

H. F. No. 12, A memorial praying for the establishment of a mail route from Flandreau, to a point at or near Medary, D. T.

H. F. No. 18, A memorial to the Hon. Post Master General of the United States, praying that the mail service on mail route No. ——, from Fort Abercrombie, to Pembina, be increased to six times a week, and find the same correctly enrolled.

FRED J. CROSS,
Chairman.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Dec. 23, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable Body that the Council did on the 22d inst., pass C. B. No. 12, entitled An act to establish a ditch fence as lawful; also

C. B. No. 27, entitled An act relative to holding and transferring of real estate by any legal officer of a religious society and their successors in office, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

Also, that the Council did on the 22nd inst. pass H. F. No. 17, entitled A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale and Eureka, to Swan Lake, Dakota Territory, and that the Council did amend said House File by inserting the word "Lodi" after the word Bloomingdale, so as to read from Vermillion, D. T., via Bloomingdale, Lodi and Eureka, to Swan Lake, Dakota Territory, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

Also, that the Council did on the 22nd inst., pass H. F. No. 25, A memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

Ordered. That said House File No. 25, be enrolled.

ADJOURNMENT.

On motion of Mr. Mostow.

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES.
Saturday, Dec. 24th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER.
Saturday, Dec. 24th, 1870.

MR. SPEAKER.—I am instructed to inform your Hon. Body that the Council did on the 23rd inst. pass H. F. No. 29, Joint resolution relative to Hon. S. L. Spink, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

ADJOURNMENT.

On motion of Mr. Keegan,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 26th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.

ADJOURNMENT.

On motion of Mr. Hancock,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 27th, 1870.

House met pursuant to adjournment and was called to order by
Mr. Speaker in the chair.
Prayer by the chaplain.

ADJOURNMENT.

On motion of Mr. Keegan,
The House adjourned

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 28, 1870.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Keegan, Samson and Mr. Wall.

On motion of Mr. Shaw,

The reading of the Journals of the 23rd, 24th, 26th and 27th inst. was dispensed with.

PRESENTATION OF PETITIONS.

Mr. Wherry presented petitions from citizens of Clay county relative to the passage, by this Legislative Assembly, of a law to restrain cattle from running at large in the organized counties of this Territory, which was referred to the committee on Agriculture.

Mr. Shaw presented a petition from citizens of Clay county remonstrating against the passage of a law to restrain cattle from running at large in the organized counties of this Territory, which was referred to the committee on Agriculture.

Mr. Wherry also presented a petition from citizens of Union county relative to the passage, by this Legislative Assembly, of a law to restrain cattle from running at large in the organized counties of this Territory, which was referred to the committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. Dow from the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 22, entitled An act to amend an act entitled An act to provide common schools for the Territory

of Dakota, has instructed me to report the bill correctly engrossed.

C. P. Dow.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined H. F. No. 25, A memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North; also

H. F. No. 29, Joint resolution relative to Hon. S. L. Spink, and find the same correctly enrolled.

FRED J. CROSS,
Chairman.

MOTIONS.

On motion of Mr. LaRoche,

Mr. Keegan was excused for non-attendance to-day on account of sickness.

NOTICE OF BILLS.

Mr. Barnes gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill for the preservation of game in Dakota Territory and for other purposes.

Mr. Barnes in the chair.

Mr. Speaker gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill for an act to prescribe the manner of conducting elections and of the canvass and return of the same; also

A bill for an act to provide for the care and custody of the Territorial Library.

Mr Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to authorize the County Commissioners of Pembina county to raise money for the erection of a Jail in said county.

INTRODUCTION OF BILLS.

Mr. Speaker, by consent, without previous notice introduced H. F. No. 31, A bill for an act to repeal Chapter first of the laws of 1868–9, entitled an act to establish a Criminal

Code of Procedure for Dakota Territory, approved January 12th, 1869, and for other purposes.

Read a first time.

Mr. Speaker, by consent, without previous notice, introduced H. F. No. 32, A bill for an act to repeal Chapter 39 of the laws of 1862, and Chapter 2 of the laws of 1866–7.

Read a first time.

Mr. Jerauld, by consent, without previous notice, introduce H. F. No. 33, A memorial to the Hon. Post Master General asking for the establishment of mail route No. ——, with service thereon from LeMars, Iowa, via Eden and Bloomingdale, D. T., to Yankton, D. T.

Read a first time.

Mr. Speaker in the Chair.

FIRST READING OF COUNCIL BILLS.

C. B. No. 12, An act to establish a ditch fence as lawful, was then taken up and read a first time and ordered to a second reading.

C. B. No. 27, entitled An act relative to holding and transferring of real estate by any legal officer of a religious society and their successors in office, was then taken up and read first time and ordered to a second reading.

SECOND READING OF HOUSE FILES.

H. F. No. 30, A bill for an act to prevent stock from running at large in this Territory, was then taken up and read a second time, and

On motion of Mr. Shaw,

Made the Special Order for Friday, December 30th, at 2 o'clock, P. M.

THIRD READING OF HOUSE FILES.

H. F. No. 22, An act to amend an act entitled an act to provide common schools for the Territory of Dakota, reported by the committee on Engrossment as correctly engrossed, was then taken up, and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 19; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request its concurrence therein.

UNFINISHED BUSINESS.

H. F. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale and Eureka, to Swan Lake, D. T., returned from the Council with amendment, was then taken up, and

On motion of Mr. Mills,

The amendment was agreed to.

Ordered, That said memorial be enrolled.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 22, An act authorizing Clerks of Courts in certain cases to adjourn the same; also

C. B. No. 24, A memorial to the Congress of the United States asking for an appropriation of money to bridge the Sioux river, at or near Canton, Dakota Territory; also

C. B. No. 17, A memorial to Congress asking for a grant of land for College purposes in the Territory of Dakota; also

C. B. No. 14, A memorial to Congress asking for the construction of Government wagon roads and appropriations for bridging streams on said roads; also

C. B. No. 23, A memorial to Congress asking an appropriation to enable Messrs. Daggett, Clevenger & Percy to extend the Sioux City & Missouri River Telegraph Line to Fort Randall; also

C. B. No. 13, A memorial to Congress asking for the establishment of a mail route from Yankton, to old Fort James, Dakota Territory; also

C. B. No. 16, A memorial to Congress of the United States praying for an appropriation to build a Penitentiary in the Territory of Dakota; also

C. B. No. 20, A memorial to the Secretary of the Interior, requesting that supplies for the Indians on the Upper Missouri river, be purchased of the farmers and producers of Dakota Territory.

FRED J. CROSS,
Chairman.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were a received from the Council:

COUNCIL CHAMBER,
Wednesday, Dec. 28, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable Body that the Council did on the 22d inst., adopted a resolution instructing the committee on Immigration to confer with a like committee from the House relative to collecting information of the affairs of the Territory, to be placed under the supervision of the Commissioner of Immigration, and printed.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Wednesday, Dec. 28, 1870.

MR. SPEAKER.—I am instructed to inform your Honorable Body that the Council did on the 27th inst. pass H. F. No. 28, entitled A bill to amend the act to protect persons holding claims on public lands and the same is herewith respectfully returned; also

That the Council did on the 27th inst. pass C. B. No. 38, entitled Preamble and joint resolution relative to the Dakota & Northwestern Railroad; also

C. B. No. 39, entitled Preamble and joint resolution relative to the late election, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, That said House File No. 28, be enrolled.

On motion of Mr. Hammon

A special committee of three was appointed to confer with the committee of the Council on Immigration, relative to collecting information of the affairs of the Territory, to be placed under the supervision of the Commissioner of Immigration and printed.

Messrs. Hammon, Shaw and Jerauld, were named as such committee.

On motion of Mr. Hammon,

C. B. No. 39, Concurrent resolution relative to the late election, was then taken up, and

On motion of Mr. Hancock,

Amended and concurred in.

On motion of Mr. Hammon,

C. B. No. 38, Joint resolution relative to the Dakota & Northwestern Railroad, was then taken up, and

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 11½ o'clock, P. M., on Wednesday. Dec.

28th, A. D. 1870, present to the Governor for his approval, H. F. No. 25, entitled A memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North; also

H. F. No. 29, Joint resolution relative to Hon. S. L. Spink.

FRED J. CROSS,
Chairman.

A communication was received from His Excellency the Governor, stating that he had approved H. F. No. 25, A memorial for an appropriation to remove obstructions in the Red River of the North; also

H. F. No. 29, Joint resolution relative to Hon. S. L. Spink.

ADJOURNMENT.

On motion of Mr. Cross,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES.
Thursday, Dec. 29th, 1870.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Keegan and Wall.
The Journals of the 23rd, 24th, 26th, 27th and 28th inst's. were then read and approved.

REPORTS OF COMMITTEES.

Mr. Hammon from committee on Judiciary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to whom was referred H. F. No. 8, A bill attaching certain counties to Bon Homme county for Judicial, Election and Revenue purposes; and

H. F. No. 13, A bill creating the county of Pembina a Judicial district and providing for terms of the Court therein, have instructed me to report the accompanying substitute, A bill defining the Judicial districts of the Territory of Dakota and fixing the time for holding the Courts in said districts, and for other purposes; also

C. B. No. 10, An act repealing a portion of Sec. 704 of an act entitled an act to establish a Code of Criminal Procedure for Dakota Territory, approved January 12, 1869, and have instructed me to report the same back and recommend its passage.

A. P. HAMMON,
Chairman.

On motion of Mr. Hancock,
The report was adopted.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined C. B. No. 3, A bill fixing the time of holding the Supreme Court for the Territory of Dakota; also

C. B. No. 4, An act creating the office of county clerk, and for other purposes; also

C. B. No. 8, Joint resolution requesting all railroad companies organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature; also

C. B. No. 9, A memorial to the Post Master General of the United States praying that mail service on mail route No. 13,903 from Elk Point, to Sioux Falls, Dakota Territory, be increased: also

C. B. No. 21, A memorial to Congress asking that a mail route may be established between LeMars, Iowa, and Yank-

ton, Dakota Territory, and find the same correctly enrolled.

FRED J. CROSS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hancock submitted the following resolution which was read considered and agreed to:

Resolved, That the Public Printer be and he is hereby authorized and required to furnish five extra copies of every bill to the member introducing said bill.

Mr. Cross submitted the following resolution which was read, considered and agreed to:

Resolved, That the use of this Hall be tendered to the Secretary of this Territory, for this (Thursday) and Saturday evenings, for the purpose of holding social parties.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Dec. 29th, 1870.

MR. SPEAKER.—I am instructed to inform your Hon. Body that the Council did on the 28th inst. pass House Files as follows:

H. F. No. 23, A memorial to the Post Master General praying for mail service on mail route No. ——, from Sioux Falls, to Flandreau, Dakota Territory; also

H. F. No. 27, A memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office, and U. S. Courts at the Post of Pembina, Dakota Territory, and the same are herewith respectfully returned.

Also, that the Council did on the 28th inst. pass Council bills as follows:

C. B. No. 30, An act concerning Divorces; also

C. B. No. 31, A bill for an act creating the office of Commissioner of Immigration, and for other purposes, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, that said House Files 23 and 27 be enrolled.

INTRODUCTION OF BILLS.

Mr. Jerauld, by consent, without previous notice introduced H. F. No. 34, A bill for an act to establish a Territorial road from opposite or near the mouth of the Rock river in Union county, to Yankton. D. T.

Read a first time.

Mr. Learned, by consent, without previous notice, introduced H. F. No. 35, Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for immigrants to this Territory upon the most favorable terms and to advertise the most practicable route for the benefit of immigrants.

Read a first time.

Mr. Hancock introduced H. F. No. 36, An act to authorize the County Commissioners of Pembina county to raise money for the erection of a Jail in said county.

Read a first time.

Mr. Barnes introduced H. F. No. 37, A bill for the preservation of game in Dakota Territory, and for other purposes.

Read a first time.

FIRST READING OF COUNCIL BILLS.

C. B. No. 30. An act concerning Divorces, was then taken up and

Read a first time and ordered to a second reading.

C. B. No. 31, A bill for an act creating the office of Commissioner of Immigration and for other purposes, was then taken up and

Read first time and ordered to a second reading.

SECOND READING OF COUNCIL BILLS.

C. B. No. 12, A bill to establish a ditch fence as lawful, was then taken up and

Read a second time, and

Referred to the committee on Agriculture.

C. B. No. 27, An act relative to holding and transferring of real estate by any legal officer of a religious society and their successors in officer, was then taken up and

Read a second time, and

Referred to the committee on Judiciary.

SECOND READING OF HOUSE FILES.

H. F. No. 31, A bill for an act to repeal chapter 1 of laws of 1868–9, entitled an act to establish a criminal code of procedure for Dakota Territory, approved January 12th, 1869, and for other purposes, was then taken up and

Read a second time, and

Referred to the committee on Judiciary.

H. F. No. 32, An act to repeal chapter 38 of the laws of 1862, and chapter 2 of the laws of 1866–7, was then taken up and

Read a second time, and

Referred to the committee on Judiciary.

H. F. No. 33, A memorial for the establishment of mail route No. ——, with mail service thereon, from LeMars, Iowa, via Eden and Bloomingdale, D. T. to Yankton, was then taken up, and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

THIRD READING OF HOUSE FILES.

H. F. No. 8 and 13, (Substitute) A bill defining the Judicial districts of the Territory of Dakota and fixing the time for holding the Courts in said Districts and for other purposes, was then taken up for consideration and amended, and

On motion of Mr. Hammon,

Considered engrossed and read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 15; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Shaw, Sinclair and Wherry.

Those voting in the negative, were

Messrs. Hobrough, LaRoche and Mr. Sherman,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Hammon,

The House resolved itself into the committee of the whole House for the consideration of the Special order.

Mr. Hammon in the Chair.

And after sometime spent therein the committee arose and through its Chairman, reported that the committee of the whole House, having had under consideration Special order, to-wit:

H. F. No. 9, A bill for an act to provide for the registration of the voters of the Territory, has instructed me to report the bill to the House, with amendments and recommend that the amendments be adopted.

On motion of Mr. Shaw,

The report was adopted.

On motion of Mr. Hammon,

The bill was ordered engrossed for a third reading.

ADJOURNMENT.

On motion of Mr. Miner,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest;
GEO. I. FOSTER,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 30, 1870.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Keegan, and Mr. Wall.

The Journal of the preceding day was then read and approved.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale, Lodi and Eureka, to Swan Lake, Dakota Territory, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Dow from the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 9, entitled A bill for an act to provide for the registration of the voters of this Territory have instructed me to report the bill correctly engrossed.

C. P. Dow.

Mr. Sinclair from the committee on Agriculture submitted the following report:

MR. SPEAKER.—Your committee on Agriculture to whom was referred C. B. No. 12, entitled An act to establish a

ditch fence as lawful, have had the same under consideration and have instructed me to report the same back with amendments and recommend that the bill as amended do pass.

J. C. SINCLAIR.

On motion of Mr. Jerauld,
The amendments reported by the committee were agreed to.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to which was referred H. F. No. 33, A memorial for the establishment of mail route No. ——, with mail service thereon, from LeMars, Iowa, via Eden and Bloomingdale, D. T. to Yankton, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do pass.

A. J. MILLS.

On motion of Mr. Jerauld,
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Shaw submitted the following resolution which was read, considered and disagreed to:

Resolved, That the Council be requested to return to this House, H. F. No. 8 and 13, (Substitute) A bill defining the Judicial districts of the Territory of Dakota and fixing the time for holding the Courts in said districts, and for other purposes.

On motion of Mr. Miner,
Mr. Samson was excused for non-attendance on the 28th inst. on account of sickness.

Mr. Shaw submitted the following resolution which was read, considered and agreed to:

Resolved, That this House be tendered the Irwin Dramatic Troupe, each day during the following week, from the hours of 4 o'clock P. M., till 8 o'clock A. M., subject to the control of Messrs. Hammon, Shaw and Hancock.

NOTICE OF BILLS.

Mr Cross gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill for an act for the protection of fruit and for other purposes.

INTRODUCTION OF BILLS.

Mr. Iverson, by consent, without previous notice, introduced H. F. No. 38, A memorial to Congress praying for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail route.

Read first time and ordered to a second reading.

Mr. Mills, by consent, without previous notice, introduced H. F. No. 39, A memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor & Missouri Railroad.

Read a first time and ordered to a second reading.

Mr. Parker, by consent, without previous notice, introduced H. F. No. 40, An act to divide the township of Civil Bend, in the county of Union into three road districts and apportioning road supervisors therein.

Read a first time and ordered to a second reading.

Mr. Parker, by consent, without previous notice, introduced H. F. No. 41, A bill to provide bounties for killing black-birds and gophers.

Read a first time and ordered to a second reading.

Mr. Parker, by consent, without previous notice, introduced H. F. No. 42, A memorial and joint resolution asking for the establishment of a mail route from Elk Point, Union county, D. T., to Ponca, Dixon county, Nebraska.

Read a first time, and

On motion of Mr. Parker,

The rules were suspended and under the operation thereof the memorial was read a second and third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the memorial was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Mills introduced H. F. No. 43, A bill for an act regulating the laying out of public highways.

Read a first time and ordered to second reading.

SECOND READING OF COUNCIL BILLS.

C. B. No. 30, An act concerning divorces, was then taken up and

Read a second time, and

Referred to the committee on Judiciary.

C. B. No. 31, A bill for an act creating the office of Commissioner of Immigration and for other purposes, was then taken up and

Read a second time and ordered to a third reading.

SECOND READING OF HOUSE FILES.

H. F. No. 34, A bill for an act to establish a Territorial road from opposite or near the mouth of the Rock river in Union county, to Yankton, D. T., was then taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. F. No. 36, An act to authorize the Commissioners of Pembina county to raise money for the erection of a Jail in that county, was then taken up and

Read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 20, noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. F. No. 37, A bill for the preservation of game in Dakota Territory and for other purposes, was then taken up and

Read a second time, and

On motion of Mr. Shaw,

Referred to a Special committee of one member from each county.

Messrs. Shaw, Barnes, Miner, Jerauld, Iverson, Wall, LaRoche and Hancock were named as such committee.

THIRD READING OF HOUSE FILES.

H. F. No. 9, A bill for an act to provide for the registration of the voters of the Territory, reported by engrossment committee as correctly engrossed, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. F. No. 33, A memorial for the establishment of mail route No. ——, with mail service thereon, from LeMars, Iowa, via Eden and Bloomingdale, D. T., to Yankton, was then taken up and

Read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

PRESENTATION OF PETITIONS.

Mr. Shaw, by consent, presented a petition from citizens of Clay county, also from citizens of Union county remonstrating against the passage of a restraint or herd law at this session of the Legislature.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Dec. 30th, 1870.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 29th inst. refuse to pass H. F. No. 15, A bill incorporating a bridge and ferry company at or near Pembina, Dakota Territory and for other purposes.

I am also instructed to inform the House that the Council did on the 29th inst. pass C. B. No. 28, To incorporate the city of Bon Homme.

C. B. No. 36, To locate and establish a Territorial road from Canton to Yankton.

C. B. No. 42, An act relating to Telegraph lines in Dakota Territory, which bills are herewith transmitted and the concurrence of the House respectively asked therein.

GEO. T. REA,
Secretary.

RECESS.

Mr. Miner moved that the House take a recess until 2 o'clock P. M., which motion was agreed to.

AFTER RECESS.

House was called to order at 2 o'clock P. M. by

Mr. Speaker in the Chair.

Mr. Mills, by consent, submitted the following resolution which was read, considered and agreed to:

Resolved, That the committee on Public Printing be instructed to prepare a list of the members and officers of the House, with the post office address of each, and have the same printed with the rules, and that the said list be furnished to the public printer forthwith.

On motion of Mr. Hammon,

The House resolved itself into committee of the Whole House on the Special order.

Mr. Hammon in the chair.

And after some time spent therein the committee arose and through its chairman reported that the House having had under consideration the Special order, to-wit:

H. F. No. 30, A bill to prevent stock from running at large, and

C. B. No. 5, (Substitute) A bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota, has instructed me to report the bills to the House and ask leave to set again.

On motion of Mr. Iverson,

The report was adopted and leave to set again granted, and 2 o'clock P. M. to-morrow, designated as the time.

ADJOURNMENT.

On motion of Mr. Wherry.

The House adjourned

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 31st, 1870.

House met pursuant to adjournment and was called to order by

Mr. Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Keegan and Wall.

The Journal of the preceding day was then read and approved.

PRESENTATION OF PETITIONS.

Mr. Shaw presented a petition from citizens of Clay county remonstrating against the passage of a restraint or head law, by the present Legislature.

Mr. Parker presented a petition from C. C. P. Meyer, relative to an instrument for marking section corners.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 38, Preamble and joint resolution relative to the Dakota and Northwestern railroad; also

C. B. No. 39, Preamble and joint resolution relative to the late election, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS.
Chairman.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined H. F. No. 28, An act to amend an act to protect per-

sons holding claims on the public lands Approved April 30th, 1862, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 4½ o'clok P. M., on Friday, December 30th, present to the Governor for his approval, H. F. No. 3, A bill for legalizing the official acts of certain county officers of Minnehaha county; also

H. F. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina and thence to the International boundary line in Dakota Territory; also

H. F. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; also

H. F. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory; also

H. F. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T.; also

H. F. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale, Lodi and Eureka, to Swan Lake, Dakota Territory; also

H. F. No. 18, A memorial to the Honorable Post Master General of the United States, praying that the mail service on route No. ——, from Fort Abercrombie to Pembina, be increased to six times a week.

H. F. No. 19, A memorial to the Post Master General requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T.

H. F. No. 2, A memorial to the President of the United States relative to the removal of the Pembina Band of Chippewa Indians.

FRED J. CROSS,
Chairman.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to whom was referred H. F. No. 34, have had the same under consideration and have instructed me to report the same back to the House with amendment and recommend that it do pass as amended:

After the word "Bloomingdale" strike out all that portion of section one, viz: "then along the high prairie to the ridge across Turkey Creek.

A. J. MILLS.

On motion of Mr. Jerauld,
The report was adopted.

Mr. Iverson from Special committee submitted the following report:

MR. SPEAKER:—Your Sepecial committee to whom was referred H. F. No. 37, entitled A bill for the preservation of game in the Territory of Dakota and for other purposes, have had the same under consideration and have instructed me to report the same back with the accompanying amendments. to-wit:

Insert after the word "same" in line 4 section 1 of the printed bill, the words "and the provisions of this section shall be so construed as to apply to all persons dealing or trafficing in the game mentioned in this section;" also in line 2, section 2, strike out the words "draw any seine" and insert in lieu thereof the words "place any net;" also after the word "fawn" in section 3, line 3, insert "provided that nothing in this act shall apply to Chas. Mix or Buffalo counties;" also in section 3, line 2, strike out the word "March" and insert in lieu thereof the word "February," and in the same section and line strike out the word "November" and insert in lieu thereof the word "September," and the committee recommend that the bill as amended do pass.

O. B. IVERSON.

On motion of Mr. Barnes,
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Mills submitted the following resolution which was read, considered and agreed to:

Resolved, That the committee on public printing be instructed to request the public printer to furnish the House im-

mediately with a printed copy of the report of the Superintendent of Public Instructions.

A. J. MILLS.

Mr. Hammon submitted the following resolution which was read, considered and agreed to:

Resolved, By the House of Representatives the Council concurring, That whereas the following communication has been received by the chairman of Joint committee on Immigration, to-wit:

The Commissioner of Immigration would be pleased to receive the contributions of the delegations from the several counties of this Territory for insertion in the report of Immigration Commissioner for 1871. An early performance of the duties of the Joint committee on Immigration will greatly facilitate the business of the Commissioner.

[Signed] JAS. S. FOSTER,
Commissioner of Immigration.

Therefore, be it Resolved, That the members of both branches of the Legislative Assembly be requested to furnish the chairman of said committee with such contributions at an early day so as to enable them to comply with the request of said Commissioner of Immigration.

Mr. Parker submitted the following resolution which was read, considered and agreed to:

Resolved, By the House, the Council concurring, that a petition relative to an instrument for marking section corners, be referred to a select committee of three members of the House and a like number of the Council, and that the committee be instructed to investigate and report to the Legislative Assembly.

Messrs. Parker, Cross and Jerauld.

NOTICE OF BILLS.

Mr. Sinclair gave notice that he will on Monday or some subsequent day of the session, ask leave to introduce a bill changing, vacating and establishing a Territorial road in Union county.

INTRODUCTION OF BILLS.

Mr. Cross introduced H. F. No. 44, A bill for the protection of fruit and for other purposes.

Read a first time.

Mr. Cross introduced H. F. No. 45, A bill to authorize the commissioners of Clay county, D. T., to keep in repair the

military bridge across the Vermillion river; also to legalize the acts of the board of County Commissioners of said county in making repairs on said bridge heretofore.

Read a first time.

Mr. Parker introduced H. F. No. 46, A bill to establish the width of county roads in the Territory of Dakota.

Read a first time.

Mr. Parker introduced H. F. No. 47, A bill to authorize the County Commissioners of Union county to raise money for the erection of a Jail.

Read a first time.

Mr. Jerauld introduced H. F. No. 48, A bill for an act to organize the county of Sherman and for other purposes.

Read a first time.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Saturday, Dec. 31st, 1870.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 30th inst. pass C. B. No. 32, Allowing County Commissioners to extend ferry leases, and other purposes, which bill is herewith transmitted and the concurrence of the House asked therein.

GEO. T. REA,
Secretary.

FIRST READING OF COUNCIL BILLS.

C. B. No. 28, An act to incorporate the city of Bon Homme, Dakota Territory, was then taken up, and

Read first time and ordered to a second reading.

C. B. No. 36, A bill to establish a Territorial road from Canton, to Yankton, D. T., was then taken up and

Read a first time and ordered to a second reading.

C. B. No. 42, An act relating to telegraph lines in Dakota Territory, was then taken up and

Read a first time and ordered to a second reading.

C. B. No. 32, An act allowing County Commissioners to ex-

tend ferry leases and for other purposes, was then taken up and

Read a first time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

THIRD READING OF COUNCIL BILLS.

C. B. No. 31, A bill for an act creating the office of Commissioner of Immigration and for other purposes, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 12, A bill to establish a ditch fence as lawful, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Barnes, Cross, Dow, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Mostow, Parker, Shaw, Sherman, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Allen, Hammon, Hancock, Miner, Samson and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF HOUSE FILES.

H. F. No. 35, Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure information for emigrants to this Territory, upon the most favorable terms and to advertise the most practicable route for the benefit of emigrants, was then taken up and

Read a second time, and

On motion of Mr. Shaw,

Ordered engrossed for a third reading.

H. F. No. 38, A memorial for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail route, was then taken up and

On motion of Mr. Iverson,

The rules were suspended and under the operation thereof the memorial was read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the memorial was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. F. No. 39, A memorial for a grant of land to aid in the construction of the McGregor & Missouri River Railroad, was then taken up and

Referred to the committee on Railroads.

H. F. No. 40, An act to divide the township of Civil Bend, in the county of Union into three road districts and apportioning road supervisors therein, was then taken up and

Read a second time, and

Referred to committee on Towns and Counties.

H. F. No. 41, A bill to provide bounties for killing blackbirds and gophers, was then taken up and

Read a second time, and

Referred to the committee on Ways and Means.

H. F. No. 43, An act to regulate the laying out of public highways, was then taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

UNFINISHED BUSINESS.

On motion of Mr. Barnes,

H. F. No. 37, A bill for the preservation of game in Dakota Territory and for other purposes, reported by special committee, was considered engrossed and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock,

Hobrough, Iverson, Jerauld, LaRoche, Leaı ned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Jerauld,

H. F. No. 34, A bill for an act to establish a Territorial road from opposite or near the mouth of the Rock river in Union county, to Yankton, D. T., reported back by the committee on Highways, Bridges and Ferries, was then taken up and considered engrossed, and

Read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE,
YANKTON, D. T., December 31st, 1870.

HON. GEO. H. HAND,

Speaker of the House of Representatives,

SIR.—I have the honor to transmit herewith, with my signa-

ture and approval, the following bills and memorials, originating in that branch of the General Assembly over which you preside:

H. F. No. 3, An act legalizing the official acts of certain county officers of Minnehaha county.

H. F. No. 4, A memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina and thence to the International boundary line in Dakota Territory.

H. F. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory.

H. F. No. 7, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory.

H. F. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T.

H. F. No. 17, A memorial to the Post Master General requesting service on mail route No. ——, from Vermillion, D. T., via Bloomingdale, Lodi and Eureka, to Swan Lake, Dakota Territory.

H. F. No. 18, A memorial to the Honorable Post Master General of the United States, praying that the mail service on route No. ——, from Fort Abercrombie to Pembina, be increased to six times a week.

H. F. No. 19, A memorial to the Post Master General requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T.

H. F. No. 2, A memorial to the President of the United States relative to the removal of the Pembina Band of Chippewa Indians to White Earth Agency.

Very respectfully, your obedient servant,

JOHN A. BURBANK,

Governor.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Saturday, Dec. 31st, 1870.

MR. SPEAKER.—I am instructed to inform the House that

the Council did on the 30th inst. pass C. B. No. 37, An act to amend section 279 of the laws of 1868–9; also

C. B. No. 44, A memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Ft. Randall Military Reservation, Dakota Territory, may be suspended, and the same are herewith transmitted and the concurrence of the House respectively requested therein.

GEO. T. REA,
Secretary.

RECESS.

Mr. Wherry moved that the House take a recess till P. M. at 2 o'clock.

Which motion was agreed to.

AFTER RECESS.

On motion of Mr. Shaw,

The House resolved itself into committee of the Whole House on the Special order.

Mr. Sherman in the chair.

And after some time spent therein the committee arose and through its chairman reported that the House having had under consideration the Special order, to-wit:

H. F. No. 30, A bill to prevent stock from running at large, and

C. B. No. 5, (Substitute) A bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota, has instructed me to report the bills back to House with amendments to C. B. No. 5, (Substitute) and without recommendation.

Whereupon Mr. Hammon moved to lay the amendment on the table.

Mr. Shaw then moved a call of the House and it being seconded, and

The roll being called,

Messrs. Keegan and Wall were found to be absent.

Mr. Hammon then moved that further proceedings under the call of the House be dispensed with.

The ayes and nays being desired by two members and ordered, and it being put,

It was decided in the affirmative:

Ayes 16; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson, and Shaw.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. Hammon then moved the previous question and it being put, "shall the main question be now put?"

And the ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative:

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson, Shaw and Mr. Sherman.

So the call for the previous question was seconded.

The question then being on the motion of Mr. Hammon to lay on the table the amendments reported by the committee of the Whole House, and it being put.

The motion was agreed to.

Whereupon Mr. Shaw submitted the following amendment and moved the previous question.

Sec. ——. It shall be the duty of the County Commissioners of Clay county, to immediately order an election of the qualified voters of said county, submitting the question of submitting the herd law, and if a majority of the legal voters of said county vote *no*, then said herd law shall be suspended until the next regular election, at which election the question shall be again submitted to the legal voters.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative,

Ayes 6, noes 15, as follows:

Those voting in the affirmative, were

Messrs. Hobrough, LaRoche, Samson, Shaw, Sherman and Mr. Speaker.

Those voting in the negative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Sinclair and Mr. Wherry.

So the call for the previous question was not seconded.

Mr. Hancock moved that the bill be now read a third time and moved the previous question.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative;

Ayes 15; noes 6, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson, Shaw and Sherman.

So the call for the previous question was seconded.

The question then being "shall the bill be now read a third time?"

The ayes and noes were desired by two members and ordered, and it being put,

It was decided in the affirmative,

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair and Wherry.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson, Shaw, and Mr. Speaker.

So the bill was ordered to a third reading.

Whereupon the bill was read a third time.

Mr. Shaw then moved to lay the bill on the table.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative;

Ayes 6; noes 15, as follows:

Those voting in the affirmative, were

Messrs. Hobrough, LaRoche, Parker, Samson, Shaw and Mr. Sherman.

Those voting in the negative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sinclair, Wherry and Mr. Speaker.

So the motion to lay the bill on the table was disagreed to.

Whereupon Mr. Shaw moved that the House do now adjourn.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative,

Ayes 5; noes 16, as follows:

Those voting in the affirmative, were

Messrs. Hobrough, LaRoche, Parker, Samson and Mr. Shaw.

Those voting in the negative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair, Wherry and Mr. Speaker.

So the motion to adjourn was disagreed to.

Whereupon Mr. Hammon moved the previous question.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative,

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson, Shaw and Mr. Speaker.

So the call for the previous question was seconded.

The question then being on the passage of the bill and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 16; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Hobrough, LaRoche, Parker, Samson and Mr. Shaw.

So the bill was passed.

Mr. Shaw changed his vote and moved to reconsider the vote by which the bill was passed.

Whereupon Mr. Hancock moved to lay the motion to reconsider on the table.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative,

Ayes 16; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Sherman, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. LaRoche, Parker, Samson, Shaw and Mr. Speaker.

So the motion to lay the motion to reconsider on the table was agreed to.

The question then being on agreeing to its title.

Mr. Shaw submitted the following amendment thereto, which was disagreed to, viz:

Change the title so as to read as follows: "A bill to prevent the growing of stock in Dakota Territory."

The title was then agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

ADJOURNMENT.

On motion of Mr. Miner,

The House adjourned

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 2nd, 1871.

House met pursuant to adjournment and was called to order by

Mr. Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hobrough, Keegan, LaRoche, Samson and Mr. Wall.

On motion of Mr. Shaw,

The reading of the Journal was postponed until to-morrow.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to whom was referred House Bill No. 43, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do pass.

A. J. MILLS.

On motion of Mr. Shaw,

The report was adopted.

Mr. Dow from the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 35, entitled Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for Immigrants to this Territory upon the most favorable terms and to advertise the most practicable route for the benefit of Immigrants, have instructed me to report the bill correctly engrossed.

C. P. DOW.

Mr. Cross from the committee on Enrollment submitted the following report:

Mr. Speaker:—Your committee on Enrollment have to report that they did, at 11½ o'clock, A. M., on Saturday, December 31st, 1871, present to the Governor for his approval, H. F. No. 28, An act to amend an act to protect persons holding claims on the public lands, approved April 30th, 1862.

Fred J. Cross,
Chairman.

INTRODUCTION OF BILLS.

Mr. Sinclair introduced H. F. No. 49, A bill changing, vacating and establishing a Territorial road in Union county.

Read a first time.

Mr. Miner, chairman of the committee on Elections, introduced on the part of the committee, H. F. No. 50, An act providing for elections and to prescribe the canvass and returns of the same.

Read a first time.

FIRST READING OF COUNCIL BILLS.

C. B. No. 37, An act to amend section 276 of the laws of 1868–9, was then taken up and

Read first time and ordered to a second reading.

C. B. No. 44, A memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended, was then taken up and

Read a first time and ordered to a second reading.

SECOND READING OF COUNCIL BILLS.

C. B. No. 28, An act to incorporate the city of Bon Homme, Dakota Territory, was then taken up, and

Read a second time, and

Referred to committee on Towns and Counties.

C. B. No. 36, A bill to establish a Territorial road from Canton, to Yankton, D. T., was then taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

C. B. No. 42, An act relating to telegraph lines in Dakota Territory, was then taken up and

Read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 17; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF HOUSE FILES.

H. F. No. 44, A bill for the protection of fruit and for other purposes, was then taken up and

Read a second time, and

Referred to the committee on Agriculture.

H. F. No. 45, A bill to authorize the commissioners of Clay county, D. T., to keep in repair the military bridge across the Vermillion river; also to legalize the acts of the board of County Commissioners of said county in making repairs on said bridge heretofore, was then taken up and

Read a second time, and

On motion of Mr. Cross,

Referred to a Special committee consisting of the Clay county members.

H. F. No. 46, A bill to establish the width of county roads in the Territory of Dakota, was then taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. F. No. 47, A bill to authorize the County Commissioners

of Union county to raise money for the erection of a Jail, was then taken up and

Read a second time, and

On motion of Mr. Parker,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 10; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hancock, Iverson, Miner, Mostow, Parker, Shaw, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Barnes, Dow, Jerauld, Learned, Mills, Sherman and Mr. Speaker.

So the bill was passed.

Mr. Barnes asked to change his vote, which being granted he moved to reconsider the vote by which the bill was passed.

Which motion was agreed to.

On motion of Mr. Hammon,

The bill was then referred to a Special committee consisting of the Union county members, with instructions to report to-morrow.

H. F. No. 48, A bill for an act to organize the county of Sherman and for other purposes, was then taken up and

Read a second time, and

On motion of Mr. Miner,

Referred to Special committee of three.

Messrs. Jerauld, Dow and Sherman were named as such committee.

Mr. Learned, by consent, submitted the following report from the committee on Railroads:

MR. SPEAKER:—Your committee on Railroads to whom was referred H. F. No. 39, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do pass.

NELSON LEARNED.

On motion of Mr. Mills,

The report was adopted.

Mr. Hancock, by consent, submitted the following resolution which was read, considered and agreed to:

Resolved, By the House of Representatives the Council concurring, that the Secretary of Dakota be required to have a calendar printed each day for the use of members of the Legislative Assembly.

Mr. Speaker then presented the reports of the Territorial Auditor and Treasurer.

On motion of Mr. Miner,

Two thousand copies of each were ordered printed.

THIRD READING OF HOUSE FILES.

H. F. No. 43, An act to regulate the laying out of public highways, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. F. No. 39, A memorial for a grant of land to aid in the construction of the McGregor & Missouri River Railroad, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affimative;

Ayes 17; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson,

Jerauld, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

ADJOURNMENT.

On motion of Mr. Shaw,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 3, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Keegan, LaRoche and Samson.

The Journals of the 31st of December 1870 and 2nd January 1871, were then read and approved.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined C. B. No. 18, A memorial to Congress asking for a geological survey of the Territory of Dakota, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to whom was referred C. B. No. 36, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do pass.

A. J. MILLS.

Mr. Hammon from committee on Judiciary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to whom was referred H. F. No. 31, entitled A bill for an act to repeal chapter 1st of the laws of 1868–9, entitled an act to establish a criminal code of procedure for Dakota Territory, approved January 12th, 1869, and for other purposes, have had the same under consideration and have instructed me to report it back to the House and recommend its passage.

Also H. F. No. 32, A bill for an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866–7, and have instructed me to report it back with the recommendation that it do not pass.

Also C. B. No. 27, An act relative to the holding and transferring real estate by any legal officers of a religious society and their successors in office, and have instructed me to report it back and recommend its passage.

A. P. HAMMON,
Chairman.

Mr. Mills from the committee on Highways, Bridges and Ferries submitted the following report:

MR. SPEAKER:—Your committee on Highways, Brigdes and Ferries to whom was referred H. F. No. 46, have had the same under consideration and instructed me to report the same back to the House with amendments, and recommend that it do pass as amended.

A. J. MILLS.

Mr. Sinclair from the committee on Agriculture submitted the following report:

MR. SPEAKER.—Your committee on Agriculture to whom was referred H. F. No. 44, entitled A bill for an act for the protection of fruit and for other purposes, have had the same under consideration and have instructed me to report the same back with amendments and recommend that the bill as amended do pass.

J. C. SINCLAIR.

Mr. Dow from Special committee consisting of Union county members submitted the following report:

MR. SPEAKER.—Your committee composed of the members from Union county, has had under consideration H. F. No. 47, entitled A bill to authorize the County Commissioners of Union county to raise money for the erection of a Jail, and have instructed me to report the same back to the House and recommend that the bill do not pass.

C. P. DOW.

Mr. Cross from the Special committee consisting of the Clay county members submitted the following report:

MR. SPEAKER:—Your Special committee consisting of the Clay county members of this House, have had under consideration H. F. No. 45, entitled A bill for an act to authorize the board of County Commissioners of Clay county, Dakota Territory, to keep in repair the military bridge across the Vermillion river; also to legalize the acts of the board of County Commissioners of said county in making repairs on said bridge heretofore, and recommend the following amendment:

In section 1 strike out the word "one" and insert "two" in the place, and have instructed me to report the same back and recommend that as so amended it do pass.

FRED J. CROSS.

MOTIONS AND RESOLUTIONS.

Mr. Shaw submitted the following resolution which was read, considered and agreed to:

Resolved, That Messrs. M. D. Thompson, Frank Brassoui and T. J. Sloan, of Clay county, be invited to seats within the bar of this House.

Mr. Wherry submitted the following resolution which was read, considered and agreed to:

Resolved, By the House, the Council concurring, that the Public Printer be instructed to print, in convenient form for distribution for the use of this Legislative Assembly, two thousand copies of "An act protecting cultivated lands and young timber from trespassing animals in the Territory of Dakota," at the expense of the Territory, and that he be requested to publish the same in the PRESS, without charge; also that he be requested to publish five hundred copies additional in French and Norwegian; *Provided*, it can be done at a cost not exceeding the usual rates in English.

On motion of Mr. Sherman,

Mr. LaRoche was excused for non-attendance on yesterday and to-day, on account of sickness.

NOTICE OF BILLS.

Mr. Hammon gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill entitled A bill for an act for the relief of Geo. W. Black, late sheriff of Yankton county, for injuries received while in the discharge of his duties as such officer.

Mr. Mostow gave notice that he will according to request, on to-morrow or some subsequent day of the session, ask to introduce a bill to incorporate Hon. John L. Jolley, of Clay county, into a Wind Mill, and for other purposes.

Mr. Shaw gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill authorizing the County Commissioners of Clay county, to raise money for the erection of a Jail.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 23, A memorial to the Post Master General praying for mail service on mail route No. ——, from Sioux Falls to Flandreau, Dakota Territory; also

H. F. No. 27, A memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office and U. S. Courts at the Port of Pembina, Dakota Territoy, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

SECOND READING OF COUNCIL BILLS.

C. B. No. 37, An act to amend section 276 of the laws of 1868–9, was then taken up and

Read a second time, and

Referred to the committee on Judiciary.

C. B. No. 44, A memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Ft. Randall Military Reservation, Dakota Territory, may be suspended, was then taken up and

Read a second time, and

Referred to committee on Federal Relations.

SECOND READING OF HOUSE FILES.

H. F. No. 49, A bill changing, vacating and establishing a Territorial road in Union county, was then taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. F. No. 26, A bill to establish the Courts and define the Jurisdiction of Justices of the Peace, was then taken up and

Read a second time, and

On motion of Mr. Hancock,

Made the Special Order for Tuesday, Jan. 10th, at half-past one o'clock, P. M.

UNFINISHED BUSINESS.

Mr. Shaw moved to reconsider the vote by which H. F. No. 43, An act to regulate the laying out of public highways was passed yesterday.

Which motion was agreed to.

On motion of Mr. Hancock,

The further consideration of the bill was postponed until to-morrow.

On motion of Mr. Shaw,

H. F. No. 30, A bill to prevent stock from running at large, was taken up for consideration, and

On motion of Mr. Hammon,

Laid on the table.

On motion of Mr. Miner,

H. F. No. 47, A bill to authorize the County Commissioners

of Union county, to raise money for the erection of a Jail, was then taken up and

On motion of Mr. Barnes,

Laid on the table.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications from His Excellency the Governor was announced by Mr. William Pound, Private Secretary:

EXECUTIVE OFFICE,
YANKTON, D. T., December 31st, 1870.

HON. GEO. H. HAND,

Speaker of the House of Representatives,

SIR:—Herewith inclosed I have the honor to transmit, with my signature and approval, H. F. No. 28, An act to amend an act to protect persons holding claims on the public lands, approved April 30th, 1862.

Very respectfully, your obedient servant,

JOHN A. BURBANK,
Governor.

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 2, 1871.

HON. GEO. H. HAND,

Speaker of the House of Representatives:

SIR.—I have the honor to transmit herewith, for the consideration of your Honorable Body, copy of a letter received from John S. Loomis, Esq., Secretary of the "National Immigration Convention," inclosing certified copy of the resolutions adopted by the Executive committee appointed by that body. The subject is one of the greatest importance, and is deserving of special attention at your hands.

Very Respectfully, Your Obt. Servant,

JOHN A. BURBANK, *Governor.*

On motion of Mr. Hammon,

The papers accompanying the communication were referred to the Select committee on Immigration.

ADJOURNMENT.

On motion of Mr. Mostow,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 4th, 1871.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Mr. Samson.
The Journal of the preceding day was then read and approved.

PRESENTATION OF PETITIONS.

Mr. Hammon presented a petition from Geo. W. Black, late Sheriff of Yankton county.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER.—Your committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 49, have the same under consideration and have instructed me to report the same back to the House and recommend its passage.

A. J. MILLS.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 2 o'clock, on Tuesday, January 3rd, 1871, present to the Governor for his approval, H. F. No. 23, A memorial to the Post Master General praying for mail service on mail route No. ——, from Sioux Falls, to Flandreau, Dakota Territory; also

H. F. No. 27, A memorial to Congress asking for an appropriation to erect suitable building for a Custom House, Post

Office and United States Courts at the Port of Pembina, Dakota Territory, and report the same back with the approval of the Governor.

FRED. J. CROSS,
Chairman.

INTRODUCTION OF BILLS.

Mr. Hammon introduced H. F. No. 51, A bill for an act for the relief of Geo. W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty as such officer.

Read a first time.

UNFINISHED BUSINESS.

On motion of Mr. Cross,

H. F. No. 44, A bill for the protection of fruit and for other purposes, was then taken up for consideration, and

On motion of Mr. Cross,

The amendments reported by the committee on Agriculture on the 3rd inst. were agreed to, and the bill considered engrossed, and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Shaw,

H. F. No. 43, An act to regulate the laying out of public highways, was taken up for consideration.

Whereupon Mr. Shaw submitted an amendment, which was agreed to.

On motion of Mr. Mills,

The bill was then considered engrossed, and read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 22; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

On motion of Mr. Cross,

H. F. No. 45, A bill to authorize the Commissioners of Clay county, D. T., to keep in repair the military bridge across the Vermillion river; also, to legalize the act of the board of County Commissioners of said county in making repairs on said bridge heretofore, was taken up for consideration, and

On motion of Mr. Cross,

The amendment reported by Special committee on the 3rd inst. was agreed to, and

The bill considered engrossed and read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 22; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Learned, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Mills,

H. F. No. 46, A bill to establish the width of county roads in the Territory of Dakota, was taken up for consideration, and

On motion of Mr. Mills,

The amendments reported by the committee on Highways, Bridges and Ferries on the 3rd inst. were agreed to.

Ordered, That said bill be engrossed for a third reading.

On motion of Mr. Shaw,

H. F. No. 31, entitled A bill for an act to repeal chapter 1st of the laws of 1868–9, entitled an act to establish a criminal code of procedure for Dakota Territory, approved January 12th, 1869, and for other purposes, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

Mr. Shaw voted in the negative.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Miner,

C. B. No. 27, An act relative to the holding and transferring of real estate by any legal officer of a religious society and their successors in office, was then taken up and

Read a third time.

The question then being on its passage and it being put, 'shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council there with.

On motion of Mr. Hancock,

H. F. No. 35, Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure information for emigrants to this Territory upon the most favorable terms, and to advertise the most practicable route for the benefit of emigrants, was then taken up and

Read a third time.

The question then being on its passage and it being put, " shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr Iverson,

C. B. No. 36, A bill to establish a Territorial road from Canton, to Yankton, D. T., was then taken up for considera-

tion and recommitted to the committee on Highways, Bridges and Ferries.

ADJOURNMENT.

On motion of Mr. Miner,
The House adjourned

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES.
Thursday, Jan. 5th, 1871.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Mr. Learned.
The journal of the preceding day was then read and approved.

REPORTS OF COMMITTEES.

Mr. Shaw from the committee on Ways and Means, submitted the following report:

MR. SPEAKER:—Your committee on Ways and Means to whom was referred H. F. No. 41, entitled An act providing bounties for killing blackbirds and gophers, have had the bill under consideration and have instructed me to report the same back with amendment, and the committee recommend that the bill as amended do pass.

A. F. SHAW,
Chairman.

Mr. Jerauld from the committee on Federal Relations submitted the following report:

MR. SPEAKER.—Your committee on Federal Relations, have examined C. B. No. 44, entitled A memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Ft. Randall Military Reservation, Dakota Territory, may be suspended, and have instructed me to report the same back to the House and recommend that it do pass.

H. A. JERAULD,
Chairman.

On motion of Mr. Keegan,
The report was adopted.

Mr. Dow from the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 46, entitled A bill to establish the width of county roads in the Territory of Dakota, has instructed me to report the bill correctly engrossed.

C. P. Dow.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to whom was referred C. B. No. 36, An act to locate and establish a Territorial road from the town of Canton, in Lincoln county, to the city of Yankton, Dakota Territory, have had the same under consideration and have instructed me to report the same back to the House with amendments and recommend that it do pass as amended.

A. J. MILLS.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mills,
Mr. Learned was excused for non-attendance to-day on account of sickness.

On motion of Mr. Mostow,
Mr. Samson was excused for non-attendance from Jan. 2nd to Jan. 4th inclusive, on account of sickness.

On motion of Mr. Wall,
Mr. LaRoche was excused for non-attendance from the 26th

to the 31st day of December, 1870, inclusive, on account of sickness.

Mr. Hammon in the Chair.

INTRODUCTION OF BILLS.

Mr. Hancock introduced by consent, without previous notice, H. F. No. 52, An act to repeal section 12 of chapter 15 of the laws of 1867–8, relating to foreign Insurance companies.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 22; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Hancock introduced by consent, without previous notice, H. F. No. 53, An act to apportion the representation to the Red River District.

Read a first time.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 5th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 30th inst. refuse to pass H. F. No. 1, A bill for an act to prevent the importation of Texas and Chero-

kee cattle into the Territory of Dakota and for other purposes; also that the Council did on the 4th inst. refuse to pass House Files entitled as follows:

H. F. No. 11, A bill for an act to encourage the planting and growing of timber in Dakota Territory.

H. F. No. 21, An act regulating the toll of custom flouring mills.

H. F. No. 24, A bill to divide the Territory of Dakota into Council and Representative districts and apportioning the Councilmen and Representatives therein, and the same are herewith respectfully returned; also that the Council did on the same day, pass

C. B. No. 41, An act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, and the same is herewith transmitted and the concurrence of the House respectively requested therein.

GEO. T. REA,
Secretary.

FIRST READING OF COUNCIL BILLS.

C. B. No. 41, A bill to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, was then taken up and

Read a first time and ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

C. B. No. 44, A memorial to the President of the U. S. requesting that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative;

Ayes 14; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Cross, Hobrough, Jerauld, Keegan, LaRoche, Mills, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall and Mr. Wherry.

Those voting in the negative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Miner and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF HOUSE FILES.

H. F. No. 51, A bill for an act for the relief of George W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty as such officer, was then taken up and

Read a second time, and

Referred to the committee on Ways and Means.

On motion of Mr. Miner,

A printed copy was substituted for H. F. No. 50, An act providing for elections and to prescribe the canvass and return of the same, and the bill

Read a second time, and

Referred to the committee on Elections.

THIRD READING OF HOUSE FILES.

H. F. No. 46, A bill to establish the width of county roads in the Territory of Dakota, was then taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 22; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Jerauld, by consent, submitted the following report from the committee on Judiciary.

MR. SPEAKER.—Your committee on Judiciary to which was referred C. B. No. 37, An act to amend section 276 of the laws of 1868–9, has had the same under consideration and instructed me to report the bill back without recommendation.

H. A. JERAULD.

On motion of Mr. Speaker,
The bill was indefinitely postponed.

UNFINISHED BUSINESS.

On motion of Mr. Shaw,
H. F. No. 41, An act to provide bounties for killing blackbirds and gophers, was taken up for consideration, and
On motion of Mr. Hancock,
Indefinitely postponed.

ADJOURNMENT.

On motion of Mr. Wherry,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Friday, Jan. 6, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Learned and Parker.

The Journal of the preceding day was then read and approved.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined C. B. No. 31, A bill for an act establishing a Bureau of Immigration for the Territoy of Dakota; also

C. B. No. 5, (Substitute) A bill to protect cultivated land and young timber from trespassing animals in the Territory of Dakota; also

C. B. No. 32, An act allowing County Commissioner to extend ferry leases, and for other purposes; also

C. B. No. 42, An act relating to Telegraph lines in Dakota Territory, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Wall from the committee on Towns and Counties submitted the following report:

MR. SPEAKER:—Your committee on Towns and Counties to which was referred H. F. No. 40, An act to divide the township of Civil Bend, in the county of Union, into three road districts and apportioning road supervisors therein, has had

the same under consideration and instructed me to report it back with the recommendation that it be referred to the Union county members.

E. W. WALL,
Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mills,

Mr. Learned was excused for non-attendance to-day on account of illness.

On motion of Mr. Dow,

Mr. Parker was excused for non-attendance from Jan. 6th to Jan. 9th, inclusive, on account of illness.

NOTICE OF BILLS.

Mr. Hancock gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill for the appointment of county clerks, and creating judicial districts in the Territory of Dakota; also

A Memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota.

INTRODUCTION OF BILLS.

Mr. Allen, by consent, without previous notice, introduced H. F. No. 54, A bill relating to the Judicial Districts of the Territory of Dakota, and for other purposes.

Read a first time.

Mr. Allen moved that the rules be suspended and the bill read a second and third time and put upon its final passage.

Which motion was disagreed to.

Mr. Dow introduced by consent, without previous notice, H. F. No. 55, A bill for an act to prevent certain animals from running at large.

Read a first time.

Mr. Hancock, by consent, without previous notice, introduced H. F. No. 56, A bill for an act to amend chapter two of the session laws of 1865–6.

Read a first time.

Mr. Hancock moved that the rules be suspended and the bill read a second and third times and put upon its final passage.

Which motion was disagreed to.

SECOND READING OF COUNCIL BILLS.

C. B. No. 41, A bill to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, was taken up and

Read a second time, and

Referred to the committee on Judiciary.

SECOND READING OF HOUSE FILES.

H. F. No. 53, An act to apportion the representation to the Red River District, was taken up and

Read a second time.

Whereupon Mr. Hancock submitted the following amendment, viz: *Provided*, That the Councilman and one member from the Council and Representative Districts composed of Todd and Gregory counties and not now represented in this Assembly, shall be transferred to this District.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative;

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Mills, Miner, Mostow, Samson, Shaw, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Hobrough, Keegan, LaRoche, Sherman, Wall and Mr. Speaker.

So the amendment was agreed to.

Mr. Wall moved to indefinitely postpone the bill.

Which motion was disagreed to.

Mr. Hancock moved to lay the bill on the table until tomorrow.

Which motion was agreed to.

UNFINISHED BUSINESS.

On motion of Mr. Mills,

H. F. No. 49, A bill changing, vacating and establishing a Territorial road in Union county, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

Messrs. Cross, Hobrough and LaRoche voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Mr. Hancock moved to reconsider the vote by which the bill was passed.

Which motion was disagreed to.

Ordered, That the Chief Clerk acquaint the Council with its passage and request concurrence therein.

Mr. Jerauld in the Chair.

Mr. Miner, by consent, submitted the following report from the committee on Elections:

MR. SPEAKER:—Your committee on Elections have had under consideration H. F. No. 50, entitled An act providing for elections and to prescribe the canvass and return of the same, and have instructed me to report the same back and recommend that it be amended as follows, viz:

Strike out in eighth line of printed bill, figure "1" and insert in lieu thereof the figure "2"; also to add to section 49 the following words:

Provided, however, That persons shall vote in the precinct where they reside and not elsewhere, and your committee recommend that the bill when so amended do pass.

E. MINER,
Chairman.

Whereupon Mr. Speaker submitted the following resolution which was read, considered and agreed to:

Resolved, That the Hon. Secretary of the Territory be requested to furnish to this House, at his earliest convenience, a copy of the opinion of the Attorney-General on the legality of the present Legislative Assembly, and that he be request-

ed to have the same printed for the use of the Legislative Assembly.

On motion of Mr. Speaker,

The bill was made the Special order for Monday, January 9th, at 2 o'clock P. M.

On motion of Mr. Speaker,

H. F. No. 32, An act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866–7, was taken up and

Made the Special order for Saturday, January 7th, at 12 o'clock M.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 6, 1871.

HON. GEO. H. HAND,

Speaker of the House of Representatives:

SIR.—I have the honor to inform your Honorable Body, that it will be necessary for me to be absent from the Territory during the remainder of the present session of the General Assembly, and that until my return, all communications to the Executive Department should be addressed to the Hon. Geo. A. Batchelder, Secretary of the Territory, who will act as Governor during my absence.

Very respectfully, your obedient servant,

JOHN A. BURBANK,
Governor.

COMMUNICATION FROM THE ACTING GOVERNOR.

The following communication was received from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
Yankton, Jan. 6th, 1871.

Congress, Approved March 3, 1869:

"*Provided*, That hereafter the Members of both branches of the Legislative Assemblies of the several Territories *shall be chosen* for the term of *TWO YEARS*, and the sessions of the Legislative Assemblies shall be biennial. And each Territorial Legislature shall, at its First Session after the passage of

this Act, make provision by law for carrying this Act into effect."

HON. GEO. H. HAND,

Speaker of the House of Representatives,

SIR:—I have the honor to call your attention to the above Act of Congress which makes your action imperative, and to recommend that to save trouble and expense, that the election of the next Legislative Assembly take place at the time of the next Delegate election.

Very Respectfully Yours,

GEO. A. BATCHELDER,

Secretary and Acting Governor, Territory of Dakota.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 6th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 5th inst. refuse to pass H. F. No. 8 and 13, (Substitute) A bill defining the Judicial Districts of the Territory of Dakota and fixing the time for holding the Courts in said Districts, and for other purposes, and the same is herewith respectfully returned.

Also that the Council did on the same day pass C. B. No. 58, An act prescribidg certain duties for the Territorial Treasurer and Auditor, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,

Secretary.

ADJOURNMENT.

On motion of Mr. Mostow,
The House adjourned

GEO. H. HAND,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 7th, 1871.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Dow, Parker, Learned and Wall.
The journal of yesterday was read and approved.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Saturday, Jan. 7th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 6th inst. concur in House amendments to C. B. No. 12, entitled An act to establish a ditch fence as lawful.

Also that the Council did on the same day pass H. F. No. 36, An act to authorize the County Commissioners of Pembina county to raise money for the erection of a Jail in said county, and the same is herewith respectfully returned.

Also that the Council did on the same day pass Council Bills entitled as follows: C. B. No. 35, An act establishing a public school law for the Territory of Dakota.

C. B. No. 48, An act creating the townships of Virginia, Prairie and Spink, in the county of Union, Dakota Territory, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered that said House File No. 36, be enrolled.

COUNCIL CHAMBER,
Saturday, Jan. 7th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on this day pass C. B. No. 56, entitled An act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, which bill is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

REPORTS OF COMMITTEES.

Mr. Shaw from the committee on Ways and Means, submitted the following report:

MR. SPEAKER:—Your committee on Ways and Means have had under consideration H. F. No. 51, entitled A bill for the relief of Geo. W. Black, etc., and have instructed me to report the same back with the following amendments:

Strike out in section 1, line —— of printed bill the word "Territorial" and insert in lieu thereof the words "Yankton county." In section 2, line 1 of printed bill, strike out the word "Territorial" and insert in lieu thereof the words "Yanton county." Insert as

Sec. 3. The county board of equalization for Yankton county shall at their proper meeting levy a tax on all taxable property of Yankton county, sufficient to pay at least one half of said five thousand dollars in the year 1871, and the other half in the year 1872, and the committee recommend the bill as amended do pass.

AMOS F. SHAW,
Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Barnes,

Mr. Dow was excused for non-attendance to-day on account of illness.

On motion of Mr. Mills,

Mr. Learned was excused for non-attendance to-day on account of illness.

On motion of Mr. Keegan,

Mr. Wall was excused for non-attendance to-day on account of illness.

Mr. Mills submitted the following resolution which was read and considered:

Resolved, That the committee to whom this Hall was released for the benefit of the Irwin Troupe, do notify said troupe that the further use of this Hall will not be granted for Theatrical purposes.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative;

Ayes 9; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Barnes, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Samson and Mr. Sherman.

Those voting in the negative, were

Messrs. Allen, Cross, Hammon, Hancock, Iverson, Shaw, Sinclair, Wherry and Mr. Speaker.

So the resolution was disagreed to.

NOTICE OF BILLS.

Mr. Iverson gave notice that he will on Monday or some subsequent day of the session, ask leave to introduce a bill to provide for keeping in repair a Territorial road from Yankton, to Sioux Falls, D. T.

INTRODUCTION OF BILLS.

Mr. Hancock introduced, by consent, without previous notice, H. F. No. 57, An act relative to the St. Paul & Pacific R. R. Company.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 17; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

Mr. LaRoche voted in the negative.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Iverson introduced by consent, without previous notice, H. F. No. 58, A bill for an act to organize the county of Brookings.

Read a first time.

Mr. Iverson introduced by consent, without previous notice, H. F. No. 59, A bill for an act to locate and establish a Territorial road from a point opposite St. Helena, Nebraska, in Yankton county, to intersect a Territorial road from Eden, on Sioux river, via Bloomingdale, to Yankton, to a point about one mile east of Turkey Creek Ridge in said county.

Read a first time.

FIRST READING OF COUNCIL BILLS.

C. B. No. 35, A bill to establish a public school law for the Territory of Dakota, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 48, A bill creating new townships in Sioux valley, Union county, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 58, A bill prescribing certain duties for the Territorial Treasurer and Auditor, was taken up and

Read a first time, and

On motion of Mr. Barnes,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 17; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council there with.

C. B. No. 56, An act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, was then taken up and

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second time and

On motion of Mr. Miner,

Referred to a Special committee of one member from each county.

Messrs. Miner, Barnes, Mostow, Jerauld, Allen, Keegan, LaRoche and Hancock, were named as such committee.

SECOND READING OF HOUSE FILES.

H. F. No. 54, A bill relating to the Judicial Districts of the Territory of Dakota, and for other purposes, was taken up and

On motion of Mr. Allen,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 14; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Mills, Miner, Mostow, Samson, Shaw, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Keegan, LaRoche, Sherman, and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

H. F. No. 55, A bill for an act to prevent certain animals from running at large, was taken up and

Read a second time, and

On motion of Mr. Miner,

Amended and

On motion of Mr. Shaw,

The bill considered engrossed and the rules suspended and under the operation thereof,

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 14; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Mills, Miner, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Keegan, LaRoche, Mostow and Mr. Sherman.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

H. F. No. 56, A bill to amend chapter 4 of the session laws of 1865–6, was taken up and

Read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 16; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson,

Jerauld, Keegan, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

Mr. LaRoche voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

UNFINISHED BUSINESS.

On motion of Mr. Hammon,

H. F. No. 51, A bill for an act for the relief of George W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty as such officer, was taken up for consideration, and

On motion of Mr. Shaw,

Made the Special order for 2 o'clock, P. M.

On motion of Mr. Hammon,

The House resolved itself into the committee of the whole House on the Special order.

Mr. Hammon in the Chair.

And after sometime spent therein the committee arose and through its Chairman, reported that the committee of the whole House, having had under consideration the Special order, viz:

H. F. No. 32, An act to repeal chapter 38 of the laws of 1862, and chapter 2 of the laws of 1866–7, has instructed me to report the bill back to the House and ask leave to sit again.

On motion of Mr. Shaw,

The report was adopted.

Mr. Hancock moved that the House take a recess until 2 o'clock, P. M.

Which motion was disagreed to.

Mr. Iverson moved to reconsider the vote by which the resolution relative to the Irwin Dramatic Troupe was disagreed to.

Mr. Hancock moved to lay the motion to reconsider on the table.

Which motion was agreed to.

RECESS.

On motion of Mr. Miner,

The House took recess until 2 o'clock, P. M.

AFTER RECESS.

House met at the hour designated.

Mr. Speaker in the Chair.

Roll called.

Absent, Messrs. Dow, Hobrough, Iverson, Learned, Parker and Mr. Wall.

On motion of Mr. Shaw,

The House resolved itself into a committee of the Whole House on the Special order.

Mr. Hancock in the chair.

After some time spent therein the committee arose and through their Chairman, reported that they had had under consideration H. F. No. 51, A bill for an act for the relief of Geo. W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty, as such officer, and reported the bill back and the amendment reported by committee on Ways and Means, without recommendation.

Mr. Shaw moved that the report of the committee on Ways and Means be adopted.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative,

Ayes 6, noes 12, as follows:

Those voting in the affirmative, were

Messrs. Keegan, LaRoche, Mostow, Shaw, Sherman and Mr. Wherry.

Those voting in the negative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Mills, Miner, Samson, Sinclair and Mr. Speaker.

So the motion to adopt the amendment was disagreed to.

Mr. Miner moved to amend by making the amount to become payable in ten equal annual installments.

The ayes and noes being desired by two members and ordered.

It was decided in the negative,

Ayes 9; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Hammon, Hancock, Iverson, Jerauld, Miner, Sampson and Mr. Speaker.

Those voting in the negative, were

Messrs. Cross, Keegan, LaRoche, Mills, Mostow, Shaw, Sherman, Sinclair and Wherry.

So the motion to adopt the amendment was disagreed to.

On motion of Mr. Shaw,

The bill was referred to the Yankton county Delegation.

ADJOURNMENT.

On motion of Mr. Keegan,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Monday, Jan. 9th, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Dow, Hobrough, Learned, Parker, and Wall.

The Journal of Saturday was read and approved.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Monday, Jan. 9th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 4th inst. pass C. B. No. 19, (Substitute)

An act to define the boundaries of the counties of the Territory and to organize the counties of Armstrong, Hutchinson, Dakota and Buffalo.

Also that the Council did on the 7th inst. pass Council Bills, as follows: C. B. No. 43, To locate a Territorial road from Yankton to Fort Thompson.

C. B. 45, A memorial requesting the removal of the Quarter-Master's Department from Sioux City, Iowa, to Yankton, Dakota Territory.

C. B. No. 46, An act in addition to chapter 23 of the session laws of 1867–68, in relation to the forms of certain oaths.

C. B. No. 50, An act to transfer the Territorial Library to the Secretary of the Territory.

C. B. No. 51, A bill for an act to punish offenses against the right of suffrage.

C. B. No. 54, A bill defining the manner of organizing unorganized counties in the Territory of Dakota.

C. B. No. 57, An act to amend an act entitled an act to protect cultivated lands and young timber from trespassing animals.

C. B. No. 55, An act to regulate the admission of Physicians to the practice of Medicine, Surgery and Obstetrics in the Territory of Dakota.

C. B. No. 61, An act providing for holding terms of the District Court in the county of Lincoln, Dakota Territory.

C. B. No. 64, An act to repeal section 12 of chapter 15 of the laws of 1867–8, relating to Foreign Insurance companies.

C. B. No. 66, An act to amend chapter 15 of the session laws of 1867–8, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

I am also instructed to inform the House that the Council did on the same day pass H. F. No. 39, A memorial to the Congress of the United States, praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor & Missouri River Railroad, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

Ordered that said House File No. 39, be enrolled.

REPORTS OF COMMITTEES.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment have examined C. B. No. 44, A memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended.

C. B. No. 58, An act prescribing certain duties for the Territorial Treasurer and Auditor, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Miner from Special committee submitted the following report:

MR. SPEAKER:—Your Special committee have had under consideration C. B. No. 56, and have instructed me to report the same back and recommend that it do pass.

E. MINER,
Chairman.

On motion of Mr. Hancock,
The report was adopted.

Mr. Hammon from the committee consisting of the Yankton county members submitted the following report:

MR. SPEAKER.—You Special committee consisting of the Yankton county members to which was referred H. F. No. 51, A bill for an act for the relief of George W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty as such officer, has had the same under consideration and beg leave to report the accompanying substitute bill and recommend its adoption.

A. P. HAMMON,

On motion of Mr. Miner,
The report was adopted.

Mr. Hammon from committee on Judiciary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to whom was referred C. B. No. 30, entitled An act concerning Divorces,

have had the same under consideration and have instructed me to report it back and recommend its passage.

A. P. HAMMON,
Chairman.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Barnes,

Mr. Dow was excused for non-attendance to-day on account of illness.

On motion of Mr. Mills,

Mr. Learned was excused for non-attendance to-day on account of illness.

INTRODUCTION OF BILLS.

Mr. Jerauld, by consent, without previous notice, introduced H. F. No. 60, A memorial to the Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of the Rock river of Iowa.

Read a first time.

Mr. Iverson introduced H. F. No. 61, A bill for an act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T.

Read a first time.

Mr. Hancock introduced H. F. No. 62, A memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the memorial was read a second and third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative;

Ayes 17; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the memorial was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Hammon, by consent, without previous notice, introduced H. F. No. 63, Joint resolution requesting the Secretary of the Territory to re-publish certain laws.

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the joint resolution was read a second and third times.

The question then being on its passage and it being put, "shall the joint resolution pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Sherman, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

So the joint resolution was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

FIRST READING OF COUNCIL BILLS.

C. B. No. 57, To amend an act to protect cultivated lands and young timber from trespassing animals, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 66, To amend chapter 15 of the laws of 1867-8, was taken up and

Read first time and ordered to a second reading.

C. B. No. 64, Relating to foreign insurance companies, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 43, A bill to locate a Territorial road from Yankton to Fort Thompson, D. T., was taken up and

Read first time and ordered to a second reading.

C. B. No. 45, A memorial requesting the removal of the Quarter Master's Department from Sioux City to Yankton, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 46, In relation to the forms of certain oaths, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 50, A joint resolution transferring the Territorial Library to the Secretary of the Territory, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 51, A bill to punish offenses against the right of suffrage, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 54, A bill defining the manner of organizing counties in Dakota, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 55, An act to regulate the admission of physicians to the practice of medicine, surgery and obstetrics, in the Territory of Dakota, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 61, Providing for holding terms of District Court in Lincoln county, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 19, (Substitute) An act to define the boundaries of the counties of the Territory and to organize the counties of Colfax, Hutchinson, Dakota and Buffalo, was taken up and

Read a first time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF COUNCIL BILLS.

C. B. No. 48, A bill creating new townships in Sioux valley, Union county, was taken up and

Read a second time, and

Referred to the Union county members.

C. B. No. 35, A bill to establish a public school law for the Territory of Dakota, was taken up and

Read a second time, and

Referred to the committee on Education.

THIRD READING OF COUNCIL BILLS.

C. B. No. 56, An act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, was then taken up and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 15; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Mills, Miner, Mostow, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

Those voting in the negative, were

Messrs. Keegan, LaRoche and Mr. Sherman.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

SECOND READING OF HOUSE FILES.

H. F. No. 58, A bill for an act to organize the county of Brookings, was taken up and

Read a second time, and

On motion of Mr Iverson,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative:

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

H. F. No. 59, A bill for an act to locate and establish a Territorial road from a point opposite St. Helena, Nebraska, in Yankton county, to intersect a Territorial road from Eden, on Sioux river, via Bloomingdale, to Yankton, to a point about one mile east of Turkey Creek Ridge in said county, was taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

RECESS.

Mr. Hancock moved that the House take recess until 2 o'clock, P. M.

Which motion was agreed to.

AFTER RECESS.

House met at the hour designated.

Mr. Speaker in the Chair.

Roll called.

Absent, Messrs. Dow, Hobrough, Learned, Parker and Mr. Wall.

On motion of Mr. Shaw,

The vote by which C. B. No. 19, (Substitute) An act to define the boundaries of the counties of the Territory and to or-

ganize the counties of Armstrong, Hutchinson, Dakota and Buffalo, was passed this A. M., was reconsidered.

On motion of Mr. Hancock,

The bill was referred to a Special committee of three.

Messrs. Hancock, Shaw and LaRoche, were named as such committee.

On motion of Mr. Hancock,

The House resolved itself into a committee of the Whole House on the Special order.

Mr. Hancock in the chair.

And after sometime spent therein the committee arose and through its Chairman reported that the committee of the whole House, having had under consideration the Special order, viz:

H. F. No. 50, An act providing for elections and to prescribe the canvass and return of the same, has instructed me to report the bill back to the House without recommendation.

Whereupon Mr. Miner moved the adoption of the amendment reported by the committee on Elections, viz:

Add to section 49 the following: *Provided, however*, That persons shall vote in the precinct where they reside and not elsewhere.

Which motion was agreed to.

On motion of Mr. Miner,

The bill was considered engrossed. and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 56, An act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, and have instructed me to report the same as correctly enrolled.

FRED. J. CROSS,
Chairman.

ADJOURNMENT.

On motion of Mr. Hancock,
The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 10th, 1871.

House met pursuant to adjournment, and was
Called to order by
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent, Messrs. Cross, Learned and Wall.
On motion of Mr. Shaw,
The reading of yesterday's journal was dispensed with.
Mr. Speaker presented a communication from the officers of the Dakota & Northwestern Railroad Company, which
On motion of Mr. Hancock,
Laid on the table.
Ordered, That 200 copies of said report be printed.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Highways, Bridges and Ferries submitted the following report:

MR. SPEAKER:—Your committee on Highways, Bridges and Ferries to whom was referred H. F. No. 59, A bill for an act to locate and establish a Territorial road in Yankton and Clay counties, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do not pass.

A. J. MILLS.

Mr. Barnes from Special committee submitted the following report:

MR. SPEAKER:—Your Special committee composed of Union county delegates have had under consideration C. B. No. 48, An act creating townships Virginia, Prairie and Spink, in the county of Union, D. T., and has instructed me to report the same to the House with recommendation that the bill do pass.

V. R. L. BARNES,
Chairman.

Mr. Hammon from committee on Judiciary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to whom was referred C. B. No. 41, An act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, have had the same under consideration and have instructed me to report it back without recommendation.

A. P. HAMMON.
Chairman.

SECOND READING OF COUNCIL BILLS.

C. B. No. 43, A bill to locate a Territorial road from Yankton to Fort Thompson, D. T., was taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

C. B. No. 45, A memorial requesting the removal of the Quarter Master's Department from Sioux City to Yankton, was taken up and

Read a second time, and

Referred to committee on Federal Relations.

C. B. No. 46, A bill in relation to the forms of certain oaths, was taken up and

Read a second time, and

Referred to the committee on Judiciary.

C. B. No. 50, A joint resolution transferring the Territorial Library to the Secretary of the Territory, was taken up and

Read a second time, and

Referred to the committee on Indian Affairs.

C. B. No. 51, A bill to punish offenses against the right of suffrage, was taken up and

Read a second time, and

Referred to the committee on Elections.

C. B. No. 54, A bill defining the manner of organizing counties in Dakota, was taken up and

Read a second time, and

On motion of Mr. Mills,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

Messrs. Hancock and Hobrough voted in the negative.

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 55, An act to regulate the admission of physicians to the practice of medicine, surgery and obstetrics, in the Territory of Dakota, was taken up and

Read a second time, and

Referred to the committee on Education.

C. B. No. 57, A bill to amend an act to protect cultivated

lands and young timber from trespassing animals, was taken up and

Read a second time.

Whereupon Mr. Shaw submitted the following amendment and moved its adoption:

Strike out all of section one after the words "so as" and insert as follows: "to submit the question of suspending the operation of the herd law to the legal voters of this Territory, at the next regular election, and the ballots so cast shall have written or printed thereon the words, "For the Herd Law" or the words, "Against the Herd Law," and shall be canvassed and returned as in other cases; *Provided*, If a majority of such votes are against the Herd Law, then such law shall be suspended until the next meeting of the Legislative Assembly of Dakota Territory."

Pending which Mr. Hammon moved to indefinitely postpone the further consideration of the bill and amendment.

The ayes and noes being desired by two members and ordered.

It was decided in the affirmative,

Ayes 11; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hammon, Hancock, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Sherman and Mr. Wall.

Those voting in the negative, were

Messrs. Barnes, Dow, Hobrough, Iverson, Parker, Samson, Shaw, Sinclair and Mr. Speaker.

So the motion to indefinitely postpone was agreed to.

C. B. No. 61, A bill providing for holding terms of the District Court in Lincoln county, was taken up and

Read a second time, and

Referred to the committee on Judiciary.

C. B. No. 64, A bill relating to foreign insurance companies, was taken up and

Read a second time, and

On motion of Mr. Hancock,

Laid on the table.

C. B. No. 66, A bill to amend chapter 15 of the laws of 1867–8, was taken up and

Read a second time, and

Referred to the committee on Judiciary.

SECOND READING OF HOUSE FILES.

H. F. No. 60, A memorial to the Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of the Rock river, Iowa, was taken up and

Read a second time, and

On motion of Mr. Jerauld,

The rules were suspended and under the operation thereof the memorial was read a third time.

The question then being on its passage and it being put, "shall the memorial pass?"

It was decided in the affirmative:

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative,

So the memorial was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

H. F. No. 61, A bill for an act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T., was taken up and

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

UNFINISHED BUSINESS.

On motion of Mr. Iverson,

C. B. No. 36, A bill to establish a Territorial road from Canton to Yankton, D. T., was taken up and

On motion of Mr. Mills,

The amendment reported by the committee on Highways, Bridges and Ferries, on the 5th inst. was adopted.

Whereupon Mr. Hancock submitted the following amendment which was agreed to, viz:

Provided, There shall be no expense to the Territory in the laying out, establishing or bridging such road. The bill was then

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sampson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

RECESS.

On motion of Mr. Barnes,

The House took recess until 2 'clock, P. M.

AFTER RECESS.

House met at the hour designated.

Mr. Speaker in the Chair.

Roll called.

Absent, Messrs. Cross, Learned and Mr. Wall.

Mr. Speaker presented the report of the Commissioner of Immigration, which was

On motion of Mr. Mills,

Laid on the table, and

Three thousand copies ordered printed. 2000 in English, 500 in French and 500 in Scandinavian.

Mr. Mills, by consent, introduced H. F. No. No. 64, Joint resolution for an appropriation for the Enrolling Clerks.

Read a first time, and

On motion of Mr. Mills,

The rules were suspended and under the operation thereof the joint resolution was read a second and third times.

The question then being on its passage and it being put, "shall the joint resolution pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Mostow, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the joint resolution was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Shaw,

The committee on Towns and Counties was instructed to report to the House, C. B. No. 28, An act to incorporate the city of Bon Homme, Dakota Territory, to-morrow morning.

On motion of Mr. Miner,

H. F. No. 32, An act to repeal chapter 39 of the laws of 1862 and chapter 2 of the laws of 1866–7, was taken up and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 16; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Allen, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Parker, Samson, Sherman, Sinclair, Wherry and Mr. Speaker.

Messrs. Barnes and Mostow voted in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Iverson from the committee on Enrollment submitted the following report:

MR. SPEAKER.—Your committee on Enrollment beg leave to report that they have examined C. B. No. 12, entitled An act to establish a ditch fence as lawful; also

C. B. No. 27, entitled An act relative to holding snd transferring of real estate by any legal officer of a religious society and their successors in office; also

C. B. No. 54, A bill defining the manner of organizing unorganized counties in the Territory of Dakota, and have instructed me to report the same as correctly enrolled.

O. B. IVERSON.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Tuesday, Jan. 10th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 9th inst. pass House Files entitled as follows:

H. F. No. 38, A memorial to Congress praying for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail road.

H. F. No. 42, A memorial and joint resolution asking for the establishment of a mail route from Elk Point, Union county, Dakota Territory, to Ponca, Dixon county, Nebraska.

H. F. No. 44, A bill for an act regulating the laying out of public highways.

H. F. No. 44, A bill for an act for the protection of fruit and for other purposes.

H. F. No. 46, A bill to establish the width of county roads in the Territory of Dakota, with the following amendment: After the word "roads" in section 1 insert the following: "hereafter to be laid out," and the same are herewith returned and the concurrence of the House respectfully requested in said amendment.

I am also instructed to inform the House that the Council did on the same day pass Council Bills entitled as follows:

C. B. No. 34, An act defining the manner of surveying and platting townsites.

C. B. No. 47, An act relating to married women.

C. B. No. 49, An act enlarging the powers of County Commissioners in certain cases.

C. B. No. 65, A bill for an act relating to surveying and county surveyors, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered that said House Files No's. 38, 42, 43 and 44 be enrolled.

COUNCIL CHAMBER,
Tuesday, Jan. 10th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did this day pass H. F. 35, Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for Immigrants to this Territory upon the most favorable terms, and to advertise the most practicable route for the benefit of Immigrants, and the same is herewith respectfully returned.

Also that the Council did this day pass C. B. No. 71, An act to define a code of civil and criminal procedure and for other purposes, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, That said H. F. No. 35 be enrolled.

COUNCIL CHAMBER,
Tuesday, Jan. 10th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on this day pass C. B. No. 78, A joint resolution making an appropriation to the Commissioner on Immigration Bureau, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Mr. Hammon in the Chair.

On motion of Mr. Speaker,

C. B. No. 71, An act to define a code of civil and criminal procedure and for other purposes, was taken up and

Read a first time.

Whereupon Mr. Speaker moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being desired by two members and ordered.

It was decided in the affirmative:

Ayes 17; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Miner, Mostow, Samson, Sherman, Sinclair, Wherry and Mr. Speaker.

Messrs. Mills, Parker and Shaw, voted in the negative.

So the motion to indefinitely postpone was agreed to.

Mr. Hancock moved to reconsider the vote by which the bill was postponed and moved to lay the motion to reconsider on the table.

Which latter motion was agreed to.

ADJOURNMENT.

On motion of Mr. Hancock,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 11th, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Learned and Wall.

The Journal of yesterday was then read and approved.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Wednesday, Jan. 11, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 9th inst. pass C. B. No. 52, An act to establish a system of township government for the Territory of Dakota.

Also that the Council did on the 10th inst. pass Council Bills entitled as follows:

C. B. No. 59, An act to amend section 16, chapter 4, session laws of 1868–9.

C. B. No. 67, An act specifying when notes on demand shall become over due.

C. B. No. 70, An act to provide for the revocation of the appointment of guardians in certain cases, and the same are herewith transmitted and the concurrence of the House respectfully requested therein.

I am also instructed to inform the House that the Council did on the same day pass House Files entitled as follows:

H. F. No. 49, A bill changing, vacating and establishing a Territorial road in Union county.

H. F. No. 55, A bill for an act to prevent certain animals from running at large, with attached amendments.

H. F. No. 64, Joint resolution for an appropriation for the Enrolling Clerks.

H. F. No. 45, A bill for an act to authorize the board of County Commissioners of Clay county, Dakota Territory, to keep in repair the military bridge across the Vermillion river, also to legalize the acts of the board of County Commissioners of said county in making repairs on said bridge heretofore, with attached amendments.

H. F. No. 54, A bill relating to the judicial districts of the Territory of Dakota and for other purposes, with attached amendments, and the same are herewith respectfully returned and the concurrence of the House respectfully requested in said amendments.

GEO. T. REA,
Secretary.

Ordered, That said House Files No. 49 and 64 be enrolled.

On motion of Mr. Hancock,

H. F. No. 54, A bill relating to the judicial districts of the Territory of Dakota and for other purposes, was taken up for consideration, and

On motion of Mr. Hancock,

The House refused to concur in Council amendments thereto.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Education submitted the following report:

MR. SPEAKER:—Your committee on Education to which was referred C. B. No. 35, A bill to establish a public school law for the Territory of Dakota, have had the same under consideration and instructed me to report it back to the House with the recommendation that it do pass.

A. J. MILLS.
Chairman.

Mr. Miner from the committee on Elections submitted the following report:

MR. SPEAKER:—Your committee on Elections to which was referred C. B. No. 51, A bill to punish offenses against the right of suffrage, has had the same under consideration and

instructed me to report it back to the House with the recommendation that it do pass.

E. MINER,
Chairman.

On motion of Mr. Shaw,
The report was adopted.

Mr. Hobrough from the committee on Indian Affairs submitted the following report:

MR. SPEAKER:—Your committee on Indian Affairs to whom was referred C. B. No. 50, A joint resolution to transfer the Territorial Library to the Secretary of the Territory, have had the same under consideration and return it back to the House with the recommendation that it do pass.

HOBROUGH.

On motion of Mr. Miner,
The report was adopted.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 36, An act to locate and establish a Territorial road from the town of Canton, in Lincoln county, to the city of Yankton, Dakota Territory; also

C. B. No. 54, An act defining the manner of organizing unorganized counties in Dakota Territory, and have instructed me to report the same as correctly enrolled.

FRED. J. CROSS,
Chairman.

Mr. Hammon from committee on Judiciary submitted the following report:

MR. SPEAKER.—Your committee on Judiciary to whom was referred C. B. No. 46, An act in addition to chapter 23 of the session laws of 1867–68, in relation to the forms of certain oaths, have had the same under consideration and have instructed me to report it back to the House and recommend its passage; also

C. B. No. 66, entitled An act to amend chapter 15 of the session laws of 1867–8, relating to incorporations and instructed me to report it back and recommend its passage; also

C. B. No. 61, An act providing for holding terms of the District Court in the county of Lincoln, and have instructed me to report it back and recommend its passage; also

H. F. No. 14, A bill to apportion the representation to the Red River or Pembina District, and have instructed me report it back and recommend that it be indefinitely postponed.

A. P. HAMMON,
Chairman.

Mr. Hammon from the committee on Towns and Counties submitted the following report:

MR. SPEAKER:—Your committee on Towns and Counties to whom was referred C. B. No. 28, entitled An act to incorporate the city of Bon Homme, have had the same under consideration and have instructed me to report the accompanying substitute and recommend its passage.

A. P. HAMMON,
Acting Chairman.

On motion of Mr. Keegan,
The report was adopted.

Mr. Jerauld from the committee on Federal Relations submitted the following report:

MR. SPEAKER.—Your committee on Federal Relations, to whom was referred C. B. 45, A memorial requesting the removal of the Quarter Master's Department from Sioux City, Iowa, to Yankton, Dakota Territory, have had the same under consideration and instructed me to report the same back to the House with the recommendation that it do pass.

Also your Special committee to whom was referred H. F. No. 48, has considered the same and instructed me to report the same back to the House and recommend that it be indefinitely postponed.

H. A. JERAULD,
Chairman.

INTRODUCTION OF BILLS.

Mr. Shaw, by consent, without previous notice, introduced H. F. No. 65, A bill for an act for the punishment of Adultery and Fornication.

Read a first time, and
On motion of Mr. Shaw,
The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put. "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Jerauld, by consent, without previous notice, introduced H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein.

Read a first time, and

On motion of Mr. Jerauld,

The rules were suspended and under the operation thereof the bill was read a second and third time.

Whereupon Mr. Shaw moved to postpone its further consideration until 2 o'clock, P. M.

Which motion was agreed to.

Mr. Miner, by consent, without previous notice, introduced H. F. No. 67, A bill for an act to repeal section 7 of chapter 38 of the session laws of 1862–3.

Read a first time, and

On motion of Mr. Miner.

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, Mills, Miner, Mostow,

Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Wednesday, Jan. 11th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council have this day passed H. F. No. 57, relative to the St. Paul & Pacific Railroad, which bill is herewith returned.

Also that they have on the same date passed C. B. No. 62, To amend chapter six, laws of 1865–6, relative to County Attorney's fees, &c.

C. B. No. 60, To enable counties and towns to vote aid to any Railroad, &c., which bills are herewith transmitted and the concurrence of the House respectfully asked therein.

GEO. T. REA,
Secretary.

Ordered, That said H. F. No. 57 be enrolled.

COUNCIL CHAMBER,
Wednesday, Jan. 11, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day refused to recede from Council amendments to H. F. No. 54, A bill relating to the judicial districts of the Territory of Dakota and for other purposes, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

Mr. Hancock moved that the House insist on its refusal to concur in Council amendment to H. F. No. 54, A bill relating to the judicial districts of the Territory of Dakota, and for other purposes.

Which motion was agreed to.

FIRST READING OF COUNCIL BILLS.

C. B. No. 34, An act defining the manner of surveying and platting town sites, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 47, An act relating to married women, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 49, A bill enlarging the powers of County Commissioners in certain cases, was taken up and

Read first time and ordered to a second reading.

C. B. No. 65, A bill regulating surveying and county surveyors, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 78, Joint resolution making an appropriation to the Commissioner on Immigration Bureau, was taken up and

Read a first time and ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

C. B. No. 28, An act to incorporate the city of Bon Homme, Dakota Territory, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson,Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 50, Joint resolution transferring the Territorial Library to the Secretary of the Territory, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sampson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

C. B. No. 51, A bill to punish offenses against the right of suffrage, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

UNFINISHED BUSINESS.

On motion of Mr. Hancock,

H. F. No. 14, A bill to apportion the representation to the Red River or Pembina District, was taken up for consideration.

Whereupon Mr. Hancock submitted an amendment,

Which motion was agreed to.

On motion of Mr. Hancock,

The bill was considered engrossed, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 11; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Mills, Miner, Parker, Shaw and Mr. Sinclair.

Those voting in the negative, were

Messrs. Hobrough, Jerauld, Keegan, LaRoche, Mostow, Samson, Sherman, Wherry and Mr. Speaker.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith and request concurrence therein.

COMMUNICATION FROM THE ACTING GOVERNOR.

The following communication from His Excellency, the Acting Governor:

SECRETARY'S OFFICE, D. T.,
Yankton, Jan. 11th, 1871.

To the Legislative Assembly of Dakota:

GENTLEMEN.—I have the honor to call your attention to the enclosed petition of Bohemian citizens, representing 308 persons, presented to me personally by about 30 of their number.

They represent themselves as in extremely needy circumstances, and ask not money but subsistence to help them through the inclement season, till they can put new crops into the ground aud maintain themselves. They came here late in the season and most of them without means. It would in my opinion be unfortunate for the prosperity of the Territory, to publish in the newspapers that want existed here, and I re-

spectfully submit their statement for such action as you may see fit to take.

Very Respectfully, Your Ob't. Servant,
GEO. A. BATCHELDER,
Secretary and Acting Governor, Dakota Territory.

On motion of Mr. Mostow,

The communication was referred to a committee of three to act in conjuction with a like committee on the part of the Council.

Messrs. Mostow, Samson and Dow were named as such committee.

On motion of Mr. Jerauld,

C. B. No. 61, Providing for holding terms of the District Court in Lincoln county, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Hammon,

H. F. No. 51, (Substitute) A bill for an act for the relief of Geo. W. Black, late Sheriff of Yankton county, for injuries received while in the discharge of his duty as such officer, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the negative;

Ayes 5; noes 15, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hammon, Hancock, Miner and Mr. Speaker.

Those voting in the negative, were

Messrs. Barnes, Cross, Dow, Hobrough, Jerauld, Keegan, LaRoche, Mills, Mostow, Parker, Samson, Shaw, Sherman, Sinclair and Mr. Wherry.

So the bill was not passed.

Mr. Mills, by consent, submitted the following report from the committee on Education:

MR. SPEAKER:—Your committee on Education to whom was referred C. B. No. 55, An act to regulate the admission of Physicians to the practice of Medicine, Surgery and Obstetrics in the Territory of Dakota, have had the same under consideration and have instructed me to report the same back to the House with amendments and recommend that it do pass as amended.

After the word "chartered" in section 1, insert the words "school of medicine and in good standing."

After the words "produced" in same section, insert the word "diploma."

On motion of Mr. Shaw,

The report was adopted.

The bill was then read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

RECESS.

On motion of Mr. Wherry,

The House took recess until 2 'clock, P. M.

AFTER RECESS.

House met at the hour designated.

Absent, Messrs. Learned and Wall.

This being the hour designated for the consideration of H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein.

The bill was taken up and

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 18; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Jerauld moved that the vote by which C. B. No. 61, Proding for holding terms of District Court in Lincoln county was passed this A. M., be reconsidered.

Which motion was agreed to.

Whereupon Mr. Hancock, by consent, submitted an amendment, which was agreed to.

The question then being on its passage as amended and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 14; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Jerauld, Mills, Miner, Mostow, Parker, Shaw, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Hobrough, Keegan, LaRoche and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title.

On motion of Mr. Hancock,

The words "and for other purposes" were added thereto.

The title as amended was then agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Wednesday, Jan. 11th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed C. B. No. 72, An act to establish the fees of printers for the publication of legal notices, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

Also that the Council has this day passed H. F. No. 62, A memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory, and the same is herewith respectfully returned.

Also that the Council did this day refuse to pass H. F. No. 37, A bill for the preservation of game in Dakota Territory, and for others purposes, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

Ordered, That said H. F. No. 62 be enrolled.

COUNCIL CHAMBER,
Wednesday, Jan. 11th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this P. M. appointed as a Conference committee of three to act with a like committee from the House, on H. F. No. 54, (Court Bill) and have named as such committee, Messrs. Turner, Cuppett and McKay.

GEO. T. REA,
Secretary.

Mr. Hancock moved that a committee of Conference be appointed to act in conjunction with the committee of the Council on said H. F. No. 46.

Which motion was agreed to.

Messrs. Hancock, Allen and Hammon were named as such committee.

On motion of Mr. Parker,

C. B. No. 48, An act creating the townships of Virginia, Prairie and Spink, in the county of Union, Dakota Territory, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

On motion of Mr. Shaw,

C. B. No. 30, An act concerning divorces, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 15; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hammon, Hancock, Hobrough, Iverson, Keegan, LaRoche, Mills, Mostow, Samson, Shaw, Sherman, Sinclair and Mr. Wherry.

Those voting in the negative, were

Messrs. Jerauld, Miner and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Hammon,

The House resolved itself into committee of the Whole House on H. F. No. 26, A bill to establish the courts and define the jurisdiction of Justices of the Peace.

And after sometime spent therein the committee arose and through its Chairman reported that the committee of the whole House, having had under consideration the Special order, have instructed him to report the bill to the House with the recommendation that it pass.

On motion of Mr. Miner,

The report was adopted.

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith, and request concurrence therein.

On motion of Mr. Mills,

C. B. No. 35, A bill to establish a public school law for the Territory of Dakota, was made a Special order for to-morrow at 2 o'clock, P. M.

On motion of Mr. Hobrough,

C. B. 45, A memorial requesting the removal of the Quarter Master's Department from Sioux City, Iowa, to Yankton, was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Ho-

brough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Hammon,

H. F. No. 48, A bill for an act to organize the county of Sherman and for other purposes, was taken up and

On motion of Mr. Miner,

Indefinitely postponed.

On motion of Mr. Parker,

H. F. No. 40, An act to divide the township of Civil Bend, in the county of Union, into three road districts and apportioning road supervisors therein, was taken up and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was not passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Hancock, by consent, introduced H. F. No. 68, An act to erect and organize the counties of Turner and Hanson.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 19; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Wednesday, Jan. 11, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day refused to concur in House amendments to C. B. No. 61, An act providing for holding terms of District Court in the county of Lincoln, Dakota Territory, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

ADJOURNMENT.

On motion of Mr. Miner,

The House adjourned.

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES.
Thursday, Jan. 12th, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Learned and Wall.

On motion of Mr. Miner,

The reading of yesterday's journal was dispensed with.

On motion of Mr. Keegan,

Mr. Wall was excused for non-attendance on account of illness.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER.—Your committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 61, A bill for an act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T., have had the same under consideration and have instructed me to report the same back to the House with amendments and recommend its passage as amended.

Strike out in section 4, all after the word "the" in the second line and insert in lieu thereof the words "County Treasury of each county through which said road passes, in proportion to the time employed in each.

A. J. MILLS.

On motion of Mr Iverson,

The report was adopted.

Mr. Hancock from the committee on Conference submitted the following report:

REPORT OF COMMITTEE ON CONFERENCE.

The Council to recede from its amendments with the following amendments to the House Bill:

In section 5, insert the word "Minnehaha" after the words "Charles Mix."

In section 8, strike out the word "Minnehaha."

In section 10, after the word "year" strike out the following words, "and the counties of Brookings and Deuel shall be, and they are hereby attached to the county of Minnehaha for judicial purposes."

Insert as section 15 and 16, the following:

Sec. 15. Whenever the section of country known as the Red River country, shall become detached from the southern portion of the Territory and constituted by Congress into a separate Territory, then, at that time, the third judicial district shall be comprised of the counties as is now provided by law and the district court therein shall be held at such times and at such place as is provided in section 7 of this act.

Sec. 16. The district court in and for the county of Brookings shall be held at the county seat of Brookings county, on the first Tuesday of July in each year, *Provided*, That the Judge shall only hold such term on notice from the Register of Deeds of aforesaid county, that the county desires such term to be held in said Brookings county, and the county of Deuel shall be attached to Brookings county for judicial purposes.

Change sections 15 and 16 of the House Bill, to sections 17 and 18.

J. W. TURNER,
Chr'n Council Committee.
JOHN HANCOCK,
Chr'n House Committee.

On motion of Mr. Allen,
The report was adopted.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 11th inst. pass House Files entitled as fol-

lows: H. F. No. 52, An act to repeal section 12 of chapter 15 of the laws of 1867–8 relating to foreign insurance companies.

H. F. No. 56, A bill for an act to amend chapter 4 of the session laws of 1865–6, relating to acknowledgments.

H. F. No. 58, A bill for an act to organize the county of Brookings, and the same are herewith respectfully returned.

GEO. T. REA,
Secretary.

Ordered, That said bills be enrolled.

Mr. Miner moved to reconsider the vote by which C. B. No. 55, An act to regulate the admission of Physicians to the practice of Medicine, Surgery and Obstetrics in the Territory of Dakota, was passed yesterday.

Which motion was agreed to.

On motion of Mr. Hammon,

The vote by which the bill was ordered to a third reading was reconsidered.

Whereupon Mr. Hammon submitted a substitute bill therefor.

On motion of Mr. Miner,

The substitute bill was adopted.

Whereupon it was ordered to a third reading and being read a third time, and

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 16; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Parker, Samson, Sherman, Sinclair, Wherry and Mr.Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

INTRODUCTION OF BILLS.

Mr. Cross, by consent, without previous notice, introduced H. F. No. 69, A bill for an act to provide for filling vacancies in the board of County Commissioners.

Read a first time, and

On motion of Mr. Cross,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sampson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

FIRST READING OF COUNCIL BILLS.

C. B. No. 52, A bill for organizing township government in Dakota Territory, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 70, A bill relative to the revocation of guardians in certain cases, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 62, A bill to amend section 34, chapter 6, laws of 1868–9, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 67, An act specifying when notes on demand shall become due, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 60, An act to enable counties and towns to vote aid to any railroad, and provide for the payment of the same, was taken up and

Read a first time and ordered to a second reading.

C. B. No. 59, An act to amend section 16, chapter 4, of title 4, of the session laws of 1865–6, was taken up and

Read first time and ordered to a second reading.

C. B. No. 72, An act to establish printers fees for printing legal notices, was taken up and

Read a first time and ordered to a second reading.

SECOND READING OF COUNCIL BILLS.

C. B. No. 65, Regulating surveying and county surveyors, was taken up and

Read a second time, and

On motion of Mr. Hancock,

Referred to a select committee of three,

Messrs. Hancock, Hammon and Iverson were named as such committee.

C. B. No. 34, An act defining the manner of surveying and platting townsites, was taken up and

Read a second time, and

On motion of Mr. Shaw,

Referred to a select committee of three.

Messrs. Shaw, Sherman and Keegan were named as such committee.

C. B. No. 47, An act relating to married women, was taken up and

Read a second time, and

On motion of Mr. Keegan,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 49, A bill enlarging the powers of County Commissioners in certain cases, was taken up and

Read a second time, and

Referred to the committee on Towns and Counties.

C. B. No. 78, Joint resolution making an appropriation to the Commissioner on Immigration Bureau, was taken up and

Read a second time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 57, An act relative to the St. Paul & Pacific Railroad company.

H. F. No. 64, Joint resolution for an appropriation for the Enrolling Clerks, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

UNFINISHED BUSINESS.

On motion of Mr. Iverson,

H. F. No. 61, A bill for an act to provide for the keeping in repair a Territorial road from Yankton to Sioux Falls, D. T., was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 13; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hancock, Iverson, Jerauld, Keegan, Mills, Miner, Parker, Samson, Sherman, Sinclair, Wherry and Mr. Speaker.

Mr. Barnes voted in the negative.

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed H. F. No. 69, A bill for an act to provide for filling vacancies in the board of County Commissioners, and the same is herewith returned.

GEO. T. REA,
Secretary.

Ordered, That said H. F. No. 69 be enrolled.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 38, A memorial to Congress praying for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail road; also

H. F. 35, Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for Immigrants to this Territory upon the most favorable terms, and to advertise the most practicable route for the benefit of Immigrants; also

H. F. No. 36, An act to authorize the County Commission-

ers of Pembina county to raise money for the erection of a jail in said county; also

H. F. No. 39, A memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor & Missouri River Railroad; also

H. F. No. 42, A memorial and joint resolution asking for the establishment of a mail route from Elk Point, Union county, Dakota Territory, to Ponca, Dixon county, Nebraska; also;

H. F. No. 43, An act regulating the laying out of public highways; also

H. F. No. 44, An act for the protection of fruit and for other purposes; also

H. F. No. 49, An act changing, vacating and establishing a Territorial road in Union county, and have instructed me to report the same as correctly enrolled.

FRED. J. CROSS,
Chairman.

Mr. Hammon. by consent, without previous notice, introduced H. F. No. 70, A bill concerning Insurance and Insurance companies.

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second time.

Whereupon Mr. Hancock submitted the following amendments, viz:

Sec. 9. All acts and parts of acts conflicting with this act are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage and approval by the Governor.

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the negative,

Ayes 7; noes 13, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hammon, Hancock, Iverson, Mostow, Shaw and Wherry.

Those voting in the negative, were

Messrs. Barnes, Cross, Dow, Jerauld, Keegan, LaRoche, Mills, Miner, Parker, Samson, Sherman, Sinclair and Mr. Speaker.

So the bill was not passed.

RECESS.

On motion of Mr. Barnes,

The House took recess until 2 'clock, P. M.

AFTER RECESS.

House met at the hour designated.

Roll called.

Absent, Messrs. Learned and Wall.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed the following House Files:

H. F. No. 34, A bill for an act to establish a Territorial road from opposite or near the mouth of Rock river in Union county, to Yankton, D. T.

H. F. No. 60, A memorial to Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of Rock river of Iowa, and the same are herewith returned.

I am also instructed to inform the House that the Council has this day passed Council Bills, as follows:

C. B. No. 75, An act providing for the appointment and election of assessors in the county of Yankton, D. T.

C. B. No. 78, A memorial to Congress of the United States, requesting the adoption of the surveyors mark, patented by Carl C. P. Meyer, Dec. 21, 1869, in all future Government surveys.

C. B. No. 81, A memorial to Congress for the establishment of a mail route between Yankton, Dakota Territory, and Niobrara, Nebraska.

C. B. No. 82, A memorial to Congress asking for a mail route from Elk Point, to Swan Lake, in Dakota Territory, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, That said House Files No's 34 and 60 be enrolled.

Mr. Mostow from Special committee submitted the following report:

MR. SPEAKER:—The Special committee of the House who were to confer with a like committee of the Council, in reference to the relief of certain destitute citizens of this Territory, have considered the same and recommend the following report:

That subscriptions in their behalf for subsistence, such as wheat, flour, corn, potatoes, &c., &c., be circulated throughout the counties of this Territory, by (2) two or more responsible persons in each county, who may collect and receive such subscriptions and hold the same subject to the order of the Secretary of the Territory, and such subsistence stores the Secretary of the Territory is authorized to distribute to the destitute citizens of the several counties of the Territory.

R. MOSTOW,
Chairman.

The hour having arrived, designated by the House for the consideration of the Special order.

The Speaker announced the Special order to be C. B. No. 35, A bill to establish a public school law for the Territory of Dakota.

Whereupon Mr. Parker submitted amendments thereto. which were agreed to.

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan. LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

On motion of Mr. Hammon,

C. B. No. 66, A bill to amend chapter 15 of the laws of 1867–8, was taken up for consideration.

Whereupon Mr. Hammon submitted an amendment thereto, which was agreed to.

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 15; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

Mr. Miner voted in the negative, so the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Shaw,

H. F. No. 55, A bill to prevent certain animals from running at large, was taken up and

On motion of Mr. Shaw,

The amendments reported by the Council were concurred in.

Ordered, That the Chief Clerk acquaint the Council therewith, and that said bill be enrolled.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day adopted the report of the Conference committee on H. F. No. 54, A bill relating to the judicial districts of the Territory of Dakota and for other purposes, which bill is herewith returned.

GEO. T. REA,
Secretary.

Ordered, That said bill be enrolled.

By consent, Mr. Hancock from the Special committee submitted the following report:

MR. SPEAKER.—Your Special committee to which was referred C. B. No. 19, (Substitute) An act to define the boundaries of the counties of the Territory, and to organize the counties of Armstrong, Dakota, Hutchinson and Buffalo, have had the same under consideration and have instructed me to report the bill to the House with the recommendation that it do pass with the following amendment, viz:

Whenever the words Dakota county occurs in any of the laws passed during this session of the Legislative Asssembly. such words shall be construed in law to mean Hanson county, in conformity with this act.

On motion of Mr. Shaw,

The report was adopted.

Whereupon the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

On motion of Mr. Jerauld,

The vote by which C. B. No. 78, Joint resolution making an appropriation to the Commissioner on Immigration Bureau was passed this A. M., was reconsidered, and

On motion of Mr. Hammon,

The vote by which the bill was ordered to a third reading was reconsidered.

Whereupon Mr. Jerauld, by consent, submitted a substitute bill therefor, which was adopted, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Shaw,

C. B. No. 41, A bill to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, was taken up for considerdtion.

Mr. Hancock in the Chair.

Mr. Speaker moved to indefinitely postpone the bill, and it being put,

The ayes and noes being desired by two members and ordered, and

It was decided in the negative;

Ayes 9; noes 10, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Iverson, Jerauld, Mills, Miner, Mostow, Sinclair and Mr. Speaker.

Those voting in the negative, were

Messrs. Cross, Hammon, Hancock, Keegan, LaRoche, Parker, Samson, Shaw, Sherman and Mr. Wherry.

So the motion to indefinitely postpone was disagreed to.

Whereupon Mr. Speaker submitted the following amendment was adopted.

That this act shall apply to the case of Frost against J. B. S. Todd, relating to certain real estate in Yankton county, now pending in the district court of Yankton county, and to no other.

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the negative,

Ayes 3; noes 16, as follows:

Those voting in the affirmative, were

Messrs. Mostow, Samson and Shaw.

Those voting in the negative, were

Messrs. Allen, Barnes, Cross, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Parker, Sherman, Sinclair, Wherry and Mr. Speaker.

So the bill was not passed.

On motion of Mr. Mills.

H. F. No. 59, A bill for an act to locate and establish a Territorial road from a point opposite St. Helena, Nebraska, to Yankton county, to intersect a Territorial road from Eden, on Sioux river, via Bloomingdale, to Yankton, to a point about one mile east of Turkey Creek Ridge, was indefinitely postponed.

Mr. Speaker in the Chair.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 12½ o'clock, P. M., on Thursday, January 12th, 1871, present to the Governor for his approval, H. F. No. 35. Joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for Immigrants to this Territory, upon the most favorable terms and to advertise the most practicable route for the benefit of Immigrants.

H. F. No. 36, An act to authorize the County Commissioners of Pembina county to raise money for the erection of a jail in said county.

H. F. No. 39, A memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor & Missouri River Railroad.

H. F. No. 38, A memorial to Congress praying for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail road.

H. F. No. 42, A memorial and joint resolution asking for

the establishment of a mail route from Elk Point, Union county, Dakota Territory, to Ponca, Dixon county, Nebraska.

H. F. No. 43, An act regulating the laying out of public highways.

H. F. No. 49, An act changing, vacating and establishing a Territorial road in Union county.

H. F. No. 57, An act relative to the St. Paul & Pacific Railroad company.

H. F. No. 64, Joint resolution for an appropriation for the Enrolling Clerk.

H. F. No. 44, An act for the protection of fruit and for other purposes, and herewith report the same with the approval of the Governor.

FRED. J. CROSS,
Chairman.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed C. B. No. 84, Joint resolution appropriating moneys to the Secretary, &c. &c., and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

ADJOURNMENT.

On motion of Mr. Hammon.

The House adjourned

GEO. H. HAND,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
Friday, Jan. 13, 1871.

House met pursuant to adjournment, and was called to order by

Mr. Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Learned.

On motion of Mr. Miner,

The reading of yesterday's journal was dispensed with.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 12th inst. pass H. F. No. 63, A Joint resolution requesting the Secretary of the Territory to publish certain laws, and the same is herewith returned.

Also that the Council did on the same day pass C. B. No. 83, An act concerning Insurance and Insurance companies, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

Also that the Council did on the same day concur in House amendments to C. B. No. 19, (Substitute) An act to define the boundaries of the counties of the Territory, and to organize the counties of Turner, Hutchinson, Hanson and Buffalo, and for other purposes.

Also that the Council has this day passed C. B. No. 85, An act to establish the county of Hamlin, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Ordered, that said H. F. No. 63 be enrolled.

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, with attached amendments, and the concurrence of the House is respectfully requested in said amendments, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

REPORTS OF COMMITTEES.

Mr. Mills from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. SPEAKER.—Your committee on Highways, Bridges and Ferries to whom was referred C. B. No. 43, A bill to locate a Territorial road from Yankton, to Fort Thompson, have had the same under consideration and have instructed me to report the same back to the House and recommend its passage.

A. J. MILLS.

On motion of Mr. Keegan,
The report was adopted.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 69, An act to provide for filling vacancies in the board of County Commissioners; also

H. F. No. 52, An act to repeal section 12 of chapter 15 of the laws of 1867–8, relating to foreign Insurance companies

H. F. No. 60, A memorial to Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of Rock river of Iowa.

H. F. No. 34, A bill for an act to establish a Territorial road from opposite or near the mouth of Rock river in Union county, to Yankton, D. T.

H. F. No. 56, An act to amend chapter 4 of the session laws of 1865–6, relating to acknowledgments.

H. F. No. 58, An act to organize the county of Brookings.

H. F. No. 54, An act defining the judicial districts of the Territory of Dakota and fixing the time for holding the courts in said districts, and have instructed me to report the same correctly enrolled.

FRED J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 10½ o'clock, A. M., on Friday, January 13th, 1871, present to the Governor.

H. F. No. 54, An act defining the Judicial Districts of the Territory of Dakota, and fixing the time for holding the Courts in said Districts.

The following communication was received from the Council:

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council did on the 12th inst. refuse to adopt House Substitute to C. B. No. 55, An act to regulate the admission of Physicians to the practice of Medicine, &c., and the same is herewith returned.

GEO. T. REA,
Secretary.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Jerauld,

H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative districts, and apportioning the Councilmen and Representatives therein,

Was taken up for consideration, and

On motion of Mr. Iverson, the amendments reported by the Council were concurred in.

Ordered, That said bill be enrolled.

On motion of Mr. Cross,

Mr. Learned was excused for non-attendance to-day on account of illness.

Mr. Mills submitted the following resolution, which was read, considered and agreed to:

Resolved, That the committee on Public Printing be instructed to inquire of the public printer the reason why the House

has not received the printed copies of the Herd Law, and request him to forward the same to the several members by mail at the earliest possible moment.

Mr. Jerauld in the chair.

INTRODUCTION OF BILLS.

Mr. Speaker, by consent, without previous notice, introduced H. F. No. 71, A bill for an act providing for the holding of special terms of the district court in Yankton county.

Read a first time, and

On motion of Mr. Speaker,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Speaker, by consent, without previous notice, introduced H. F. No. 72, A bill for an act providing for the service of process upon foreign insurance companies.

Read a first time, and

On motion of Mr. Speaker,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hancock, Iverson, Jerauld,

Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Speaker in the chair.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Coun cil:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed

H. F. No. 50, A bill providing for elections and to prescribe for the canvsss and return of the same; also,

House substitute to C. B. No. 78, to appropriate money for publishing and circulating information of the Territory.

And the same are herewith respectfully returned.

I am also instructed to inform the House that the Council did this day pass

C. B. No. 79, to incorporate the city of Emmersonville,

Which bill is herewith transmitted, and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 11 o'clock, on Friday, January 13th, 1871, present to the Acting Governor

H. F. No. 69, An act to provide for filling vacancies in the board of county commissioners; also,

H. F. No. 52, An act to repeal section 12 of chapter 15 of the laws of 1867–8, relating to foreign insurance companies:

Also, H. F. No. 60, A memorial to the Congress of the United States praying for an appropriation to build a bridge

across the Big Sioux river below and near the mouth of the Rock river of Iowa; also,

H. F. No. 34, An act to establish a Territorial road from opposite or near the mouth of the Rock river, in Union county, to Yankton, D. T.; also,

H. F. No. 56, An act to amend chapter 4 of the session laws of 1865–6, relating to acknowledgments; also,

H. F. No. 58, An act to organize the county of Brookings.

FRED J. CROSS,
Chairman.

FIRST READING OF COUNCIL BILLS.

C. B. No. 84, Joint resolution for an appropriation for the Secretary and Assistant Secretary of the Council, and Clerk and Assistant Clerk of the House,

Was then taken up, and read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second time.

Whereupon Mr. Hancock submitted the following amendment thereto: That the amount appropriated to each be "thirty" dollars in lieu of "twenty."

Which amendment was agreed to.

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 82, A memorial to Congress asking for a mail route from Elk Point to Swan Lake in Dakota Territory, was taken up and

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative, so the bill passed.

The question then being on agreeing to the title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 78, A memorial to Congress of the United States, requesting the adoption of the surveyors mark, patented by Carl C. P. Meyer, Dec. 21, 1869, in all future Government surveys, was taken up, and

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sampson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, January 13, 1871.

MR. SPEAKER—I am instructed to inform the House that the Council has this day concurred in House amendments to

C. B. No. 66, An act to amend chapter 15 of the session laws of 1867–8.

Also, that the Council has this day passed

H. F. No. 61, A bill for an act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T.,

And the same is herewith returned.

GEO. T. REA,
Secretary.

Ordered, That said House file No. 61 be enrolled.

C. B. No. 75, An act providing for the appointment and election of assessors in the county of Yankton, D. T., was taken up and

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

Mr. Hammon, by consent, submitted the following report from select committee:

MR. SPEAKER.—Your select committee to whom was referred C. B. No. 65, a bill regulating surveying and county surveyors, have had the same under consideration, and have amended it, and instructed me to report it back, and recommend its passage when so amended.

A. P. HAMMON.

On motion of Mr. Hancock,

The report and amendments accompanying it were adopted.

On motion of Mr. Hammon,

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

SECOND READING OF COUNCIL BILLS.

C. B. No. 60, An act to enable counties and towns to vote aid to any railroad and provide for the payment of the same, was taken up, and

Read a second time, and

On motion of Mr. Jerauld,

Laid on the table.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, and report that they find the same correctly enrolled.

FRED. J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 66, An act to amend chapter fifteen (15) of the session laws of 1867–8, relating to incorporations, and have instructed me to report the same correctly enrolled.

FRED. J. CROSS,
Chairman.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed

C. B. No. 86, A bill granting certain powers to the county commissioners of Yankton county,

And the same is herewith transmitted, and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

C. B. No. 62, A bill to amend section 34, chapter 6, laws of 1868–9, was taken up, and

Read a second time, and

On motion of Mr. Jerauld,

Indefinitely postponed.

C. B. No. 52, A bill for organizing township governments in Dakota Territory, was taken up and

Read a second time.

C. B. No. 59, An act to amend section 16, chapter 4, of title 4, of the session laws of 1365–6, was taken up and

Read a second time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 12 o'clock M., on Friday, January 13th, 1871, present to the Acting Governor for his approval, H. F. No. 66, A bill for an act to amend an act entitled an act to divide the Territory of Dakota into Council and Representative districts, and apportioning the Councilmen and Representatives therein.

FRED J. CROSS,
Chairman.

C. B. No. 67, An act specifying when notes on demand shall become due, was taken up and

Read a second time, and

Referred to the committee on Judiciary.

C. B. No. 70, A bill relative to the revocation of guardians in certain cases, was taken up and

Read a second time, and

On motion of Mr. Shaw,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Jerauld, Keegan, LaRoche, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative, so the bill was passed.

The question then being on agreeing to its title, it being put, the title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

C. B. No. 72, An act to establish printers fees for printing legal notices, was taken up and

Read a second time.

A committee of the Council being announced, through their chairman reported that they had been appointed to wait upon the House and ascertain at what time it will be in readiness to adjourn, *sine die.*

Mr. Hammon moved that a committee of three be appointed to confer with the committee of the Council, and ascertain at what time the two Houses will be in readiness to adjourn.

Which motion was agreed to.

Messrs. Hammon, Mostow and Shaw were named as such committee.

UNFINISHED BUSINESS.

On motion of Mr. Hammon,

C. B. No. 81, A memorial to Congress for the establishment of a mail route between Yankton, Dakota Territory, and Niobrara, Nebraska, was taken up and

Read a first time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 19; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Miner, Mostow, Parker,

Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

On motion of Mr. Mills,

C. B. No. 43, A bill to locate a Territorial road from Yankton, to Fort Thompson, D. T., was taken up and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

Mr. Hammon from the committee to confer with the committee from the Council relative to the hour of adjourning *sine die*, reported that the committee are unable at present to agree upon an hour.

Mr. Miner from the committee on Elections submitted a report, which was

On motion of Mr. LaRoche, adopted.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed House Files as follows:

H. F. No. 71, A bill for an act providing for the holding of special terms of the district court in Yankton county.

H. F. No. 72, A bill for an act providing for the service of process upon foreign insurance companies, and the same are herewith returned.

GEO. T. REA,
Secretary.

Ordered, That said bills be enrolled.

COUNCIL CHAMBER,
Friday, Jan. 13, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day reconsidered and passed H. F. No. 65, A bill for an act for the punishment of adultery and fornication, with attached amendments, and the same is herewith returned.

GEO. T. REA,
Secretary.

RECESS.

On motion of Mr. Wherry,
The House took recess until 2 'clock, P. M.

AFTER RECESS.

House met at the hour designated.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed C. B. No. 15, A memorial to Congress of the United States asking for an appropriation to aid in draining swamp lands in the Territory of Dakota, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day concurred in House amendments to

C. B. No. 84, Joint resolution appropriating money to the Secretaries and Clerks of this Legislature.

GEO. T. REA,
Secretary.

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to respectfully request the House to return to the Council H. F. No. 50, Relating to elections.

GEO. T. REA,
Secretary.

On motion of Mr. Hancock,

The Chief Clerk was instructed to return the said H. F. No. 50, to the Council.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined H. F. 71, An act providing for the holding of special terms of the district court in Yankton county.

H. F. No. 72, An act providing for the service of process upon foreign insurance companies, and have instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

Mr. Hancock, by consent, introduced H. F. No. 73, Joint resolution providing for the Territorial Library.

Read a first time, and

On motion of Mr. Hancock,

The rules were suspended and under the operation thereof the bill was read a second and third times.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 18; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hancock, Hobrough, Iverson, Jerauld, Keegan, Mills, Miner, Mostow, Parker, Samson, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed H. F. No. 32, A bill for an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866–7, and the same is herewith returned.

GEO. T. REA,
Secretary.

Ordered, that said bill be enrolled.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 2½ o'clock, P. M., on Friday, January 13th, 1871, present to the Acting Governor, for his approval, H. F. No. 71, An act providing for the holding of special terms of the district court in Yankton county.

H. F. No. 72, An act providing for the service of process upon foreign insurance companies, and herewith return H. F. No. 72, with the approval of the Acting Governor.

FRED. J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 84, Joint resolution appropriating moneys to the Secretary and Assistant Secretary of the Council, and Clerk and Assistant Clerk of the House, and have instructed me to report the same as correctly enrolled.

FRED. J. CROSS,
Chairman.

Mr. Mills, by consent, introduced H. F. No. 74, An act providing for the appointment of an Assistant Commissioner of Immigration.

Read a first time, and

On motion of Mr. Mills,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Sampson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith and request concurrence therein.

Mr. Hancock, by consent, submitted the following resolution which was read, considered and agreed to:

Resolved, That the Public Printer be, and is hereby instructed to print ten copies of each and every memorial passed during this session and approved by the Governor in an official form suitable to send to their destination.

The Speaker presented the following communication from the Public Printer:

YANKTON PRESS OFFICE,
January 13th, 1871.

Mr. Speaker, House of Representatives:

The resolution of the House making enquiries respecting the publication of the Herd Law is received.

I have to state that the Public Printer has not yet been furnished with a copy of the Herd Law, nor has any official request been made, except the resolution just received, for its publication.

Most Respectfully,
Your Obt. Servt,
GEO. W. KINGSBURY,
For the Public Printers.

On motion of Mr. Shaw,

The House concurred in Council substitute to H. F. No. 65,

A bill for an act for the punishment of adultery and fornication.

Ordered, That said bill be enrolled.

On motion of Mr. Shaw,

The House concurred in Council amendments to H. F. No. 45, A bill to authorize the commissioners of Clay county, D. T., to keep in repair the military bridge across the Vermillion river; also to legalize the acts of the board of county commissioners of said county in making repairs on said bridge heretofore.

Ordered, That said bill be enrolled.

On motion of Mr. Hammon,

C. B. No. 86, A bill granting certain powers to the county commissioners of Yankton county,

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, January 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day reconsidered

H. F. No. 50, Relative to elections and canvass of the same, and passed the same with the following amendments: Strike out 1871 and insert 1872 in line 8 section 2, and respectfully ask the concurrence of the House in said amendments.

GEO. T. REA,
Secretary.

On motion of Mr. Shaw,

C. B. No. 83, An act concerning insurance and insurance companies, was taken up and

Read a first time, and

On motion of Mr. Shaw,

The rules were suspended, and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 14; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hammon, Hancock, Hobrough, Iverson, Jerauld, Miner, Mostow, Samson, Shaw, Sherman, Sinclair, and Mr. Speaker.

Those voting in the negative, were

Messrs. Keegan, LaRoche, Mills and Parker.

So the bill was passed.

Mr. Jerauld in the chair.

Mr. Speaker moved to reconsider the vote by which the bill was passed, which motion was agreed to, whereupon

Mr. Speaker moved to reconsider the vote by which the bill was ordered to a third reading, which motion was disagreed to.

Mr. Speaker in the chair.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 78, An act appropriating money for publishing information concerning the Territory, and have instructed me to report the same correctly enrolled.

Your committee have also examined H. F. No. 61, An act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T.

H. F. No. 55, An act to prevent certain animals from running at large.

H. F. No. 63, Joint resolution requesting the Secretary of the Territory to republish certain laws.

H. F. No. 62, A memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory, and instructed me to report the same as correctly enrolled.

FRED J. CROSS,
Chairman.

On motion of Mr. Miner,

The House concurred in Council amendment to H. F. No. 50, An act providing for elections and to prescribe the canvass and return of the same.

Ordered that said bill be enrolled.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, January 13, 1871.

MR. SPEAKER—I am instructed to inform the House that the Council has this day concurred in House amendments to

C. B. No. 65, Relative to surveyors' mark.

GEO. T. REA,
Secretary.

RECESS.

On motion of Mr. Hancock,

The House took a recess until 7 o'clock P. M.

AFTER RECESS.

House met at the hour designated.

COMMUNICATION FROM THE ACTING GOVERNOR.

Mr. Speaker presented the following communication from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
Yankton, Jan. 13th, 1871.

To the Speaker of the House of Representatives,

SIR—I have the honor to return the following bills appro-

ved, to wit: Nos. 44, 34, 35, 36, 38, 39, 42, 43, 49, 52, 56, 57, 64, 67 and 71.

Very Respectfully, Your Ob't. Servant,
GEO. A. BATCHELDER,
Secretary and Acting Governor, Dakota Territory.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 5 o'clock, P. M., on Friday, January 13th, 1871, present to the Governor for his approval

H. F. No. 55, An act to prevent certain animals from running at large.

H. F. No. 61, An act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T.

H. F. No. 63, Joint resolution requesting the Secretary of the Territory to republish certain laws.

H. F. No. 62, A memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory.

FRED J. CROSS,
Chairman.

Mr. Hancock submitted the following resolution, which was read, considered and agreed to:

Resolved, That a committee of three be appointed to confer with a like committee on the part of the Council, to wait upon his excellency the Acting Governor, and inquire whether he has any further matters to communicate to this Legislative Assembly.

Messrs. Hancock, Wherry and Hobrough were named as such committee.

Mr. Mills, by consent, introduced

H. F. No. 75, Joint resolution providing for an additional enrolling clerk.

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage, and it being put "shall the bill pass?"

It was decided in the affirmative,

Ayes 22; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith, and request concurrence therein.

Mr. Miner in the chair.

Mr. Hancock submitted the following resolution, which was read, considered and agreed to:

Resolved, That the thanks of this House are hereby tendered to our presiding officer, Hon. Geo. H. Hand, for the ability, dignity and promptness and impartiality with which he has during this session discharged the duties of the presiding officer of this House. His uniform courtesy has commanded our respect, his impartiality and kindness have won our warmest personal regards.

That our thanks are hereby tendered to our gentlemanly and efficient chief clerk, Geo. I. Foster, for the promptness in attending to the duties of his office; his obliging deportment, and the correctness of the journals of the proceedings of this body.

That our thanks are due to our assistant clerk, C. B. Valtine, for his industry in the duties of his office. His clerical abilities displayed in his whole record challenges the admiration of the public and the sincere thanks of this House.

That the Rev. Joseph Ward, chaplain of this House, by unostentatious piety, and gentlemanly deportment, has gained our sincere respect, confidence and esteem; and that J. McClellan, sergeant-at-arms; E. Williams, messenger, and E. Stacy, fireman, for the faithfulness in the discharge of the duties of their respective offices and their obliging conduct, merit our thanks which are hereby freely tendered, and that towards our officers one and all, we entertain the kindest feelings, and in closing our official connection, wish them and theirs, health, happiness and prosperity.

Mr. Speaker in the chair.

On motion of Mr. Hancock,

C. B. No. 83, A bill concerning insurance and insurance companies, was taken up for consideration.

The question being on its passage and it being put, "shall the bill pass?"

It was decided in the negative,

Ayes 8; nces 12, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hancock, Hobrough, Iverson, Miner, Mostow, Sherman and Wherry.

Those voting in the negative, were

Messrs. Barnes, Dow, Hammon, Jerauld, Keegan, LaRoche, Mills, Parker, Samson, Sinclair, Wall and Mr. Speaker.

So the bill was not passed.

COMMUNICATION FROM THE ACTING GOVERNOR.

Mr. Speaker presented the following communication from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
YANKTON, Jan. 13, 1871.

To the Speaker of the House of Representatives:

SIR—I have the honor to return the following bills approved, to wit: Nos. 62, 55, 61 and 63.

Very Respectfully,
GEO. A. BATCHELDER,
Secretary and Acting Governor, Dakota Territory.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, January 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed the following House files:

H. F. No. 75, Joint resolution providing for an additional enrolling clerk.

H. F. No. 74, To provide for an assistant commissioner of immigration, and the same are herewith returned.

GEO. T. REA,
Secretary.

Ordered, That said bills be enrolled.

Mr. Miner moved to indefinitely postpone C. B. No. 52, A bill for organizing township government in Dakota Territory.

Which motion was agreed to.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 75, An act providing for the appointment and election of assessors of Yankton county, Dakota Territory.

C. B. No. 65, An act relating to surveying and surveyors.

C. B. No. 90, An act to provide for the revocation of guardians in certain cases.

C. B. No. 82, A memorial to Congress asking for the establishment of a mail route from Elk Point to Swan Lake.

C. B. No. 59, An act to amend section 16, chapter 4, session laws of 1868–9.

C. B. No. 78, A memorial to Congress of the United States, requesting the adoption of the surveyors mark, patented by Carl C. P. Meyer, Dec. 21, 1869, in all future Government surveys.

C. B. No. 43, An act to locate a Territorial road from Yankton to Fort Thompson.

C. B. No. 81, A memorial to Congress for the establishment of a mail route between Yankton, Dakota Territory, and Niobrara, Nebraska,

And have instructed me to report the same correctly enrolled.

FRED J. CROSS,
Chairman.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed H. F. No. 73, Joint resolution providing for the Territorial Library, and the same is herewith respectfully returned.

GEO. T. REA,
Secretary.

Ordered, That said bills be enrolled.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have ex-

amined H. F. 32, An an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866–7.

H. F. No. 65, (Substitute) An act to punish adultery.

H. F. No. 50, An act providing for elections and to prescribe the canvass and return of the same, and have instructed me to report the same correctly enrolled.

FRED J. CROSS,
Chairman.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, January 13, 1871.

MR. SPEAKER—I am instructed to inform the House that the the Council has this day at 8 o'clock and 40 minutes passed H. F. No. 9, To provide for the Registration of voters for the Territory of Dakota, which bill is herewith returned with the attached amendments.

GEO. T. REA,
Secretary.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 83, An act granting certain powers to the County Commissioners of Yankton county, relating to Telegraph Lines; also

H. F. No. 74, An act providing for the appointment of an Assistant Commissioner of Immigration.

H. F. No. 28, Joint resolution providing for an additional Enrolling Clerk.

H. F. No. 73, Joint resolution relating to the Territorial Library.

And instructed me to report the same as correctly enrolled.

FRED. J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 23, An act to incorporate the city of Bon Homme, Dakota Territory.

C. B. No. 45, A memorial requesting the removal of the Quartermaster's Department from Sioux City, Iowa, to Yankton, Dakota Territory.

C. B. No. 48, An act creating the townships of Virginia, Prairie and Spink in the county of Union, Dakota Territory.

C. B. No. 30, An act concerning divorces.

C. B. No. 47, An act relating to married women.

C. B. No. 50, An act to transfer the Territorial Library to the custody of the Secretary of the Territory.

C. B. No. 51, An act to punish offenses against the right of suffrage.

C. B. No. 19, An act to define the boundaries of the counties of the Territory, and to organize the counties of Turner, Hutchinson, Hanson and Buffalo, and for other purposes.

C. B. No. 35, An act to establish a public school law for the Territory of Dakota, and instructed me to report the same correctly enrolled.

FRED. J. CROSS,
Chairman.

COMMUNICATION FROM THE ACTING GOVERNOR.

Mr. Speaker presented the following communication from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
Yankton, Jan. 13th, 1871.

To the Speaker of the House of Representatives,

SIR—I have the honor to return House bill No. 66. The bill approved by me on the 10th of January, seemed to be all that the Territory desired; but the amendment having passed by a vote of four-fifths of the members of both houses, I do not feel at liberty to withhold my signature. I would say that it is not deliberate legislation. The bill is approved.

Very Respectfully, Your Ob't. Servant,
GEO. A. BATCHELDER,
Secretary and Acting Governor, Dakota Territory.

On motion of Mr. Shaw,

The House refused to concur in Council amendments to H. F. No. 9, A bill for an act to provide for the registration of the voters of this Territory.

On motion of Mr. Miner,

The vote by which C. B. No. 41, A bill to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, was lost on its passage, was reconsidered, and

On motion of Mr. Miner,

The vote by which the bill was ordered to its third reading was reconsidered, whereupon

Mr. Miner submitted the following amendment, which was disagrced to:

"Providing that this act shall only apply to cases now pending in the courts of this Territory."

The bill was then read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 15; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Allen, Cross, Hammon, Hancock, Hobrough, Keegan, LaRoche, Mills, Miner, Mostow, Samson, Shaw, Sherman, Wall and Wherry.

Those voting in the negative, were

Messrs. Barnes, Dow, Iverson, Jerauld, Parker, and Mr. Speaker.

So the bill was passed.

Ordered, that the Chief Clerk acquaint the Council therewith.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 8¾ o'clock, P. M., on Friday, January 13th, 1871, present to the Acting Governor, for his approval,

H. F. No. 74, An act providing for the appointment of an assistant commissioner of immigration.

H. F. No. 23, Joint resolution providing for an additional enrolling clerk.

H. F. No. 73, Joint resolution relating to the Territorial library.

FRED J. CROSS,
Chairman.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13th, 1871.

MR. SPEAKER.—I am instructed to inform the House that

the Council has appointed Messrs. Armstrong, Miner and Stone a committee of three to act in conjunction with a like committee of the House to wait upon his excellency the Acting Governor, and inquire whether he has any further communication to make to this legislative assembly.

GEO. T. REA,
Secretary.

Mr. Iverson, from the committee on Manufactures, submitted a report, which was, on motion of Mr. Jerauld, adopted and ordered printed with the report of the Commissioner of Immigration.

On motion of Mr. Miner,

C. B. No. 79, A bill to incorporate the city of Emmersonville, was taken up and

Read a first time, and

On motion of Mr. Miner,

The rules were suspended and under the operation thereof the bill was read a second and third times.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 20; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sherman, Sinclair, Wall and Wherry.

Those voting in the negative, were

Mr. Hancock and Mr. Speaker.

So the bill was passed.

The question then being upon agreeing to its title and it being put,

The title was agreed to.

Ordered, that the Chief Clerk acquaint the Council therewith.

Mr. Cross, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they did at 9¾ o'clock, P. M., Friday, January 13th, 1871, present to the Acting Governor for his approval,

H. F. No. 74, An act providing for the appointment of an assistant commissioner of immigration.

H. F. No. 73, Joint resolution relative to the Territorial Library.

H. F. No. 28, Joint resolution for an additional enrolling clerk.

FRED. J. CROSS,
Chairman.

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 41, An act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, and have instructed me to report the same correctly enrolled.

FRED. J. CROSS,
Chairman.

COMMUNICATION FROM THE ACTING GOVERNOR.

The Speaker presented the following communication from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
YANKTON, January 13th, 1871.

To the Speaker of the House of Representatives:

SIR—I return bill No. 74, An act to provide for the appointment of an assistant commissioner of immigration, disapproved, for the following reasons: There are now one or more assistant commissioners of immigration appointed by the Governor, and this bill takes the appointing power from the Governor, a power which he has been accustomed to exercise.

Respectfully,
GEO. A. BATCHELDER,
Secretary and Acting Governor.

The House then proceeded to reconsider the bill, and the question being put, "shall the bill pass notwithstanding the objections of the Governor?"

It was decided in the negative;

Ayes 13; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Barnes, Cross, Dow, Hancock, Iverson, Jerauld, LaRoche, Mills, Miner, Parker, Shaw, Sinclair and Mr. Speaker.

Those voting in the negative, were

Messrs. Allen, Hammon, Hobrough, Keegan, Mostow, Samson, Sherman, Wall and Wherry.

So the bill was not passed over the Governor's objections, two-thirds not voting in favor thereof.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
Friday, Jan. 13, 1871.

MR. SPEAKER.—I am instructed to inform the House that the Council has this day passed C. B. No. 88, A joint resolution in relation to the republication of the Justices Code of 1865–66, and the same is herewith transmitted and the concurrence of the House respectfully requested therein.

GEO. T. REA,
Secretary.

On motion of Mr. Hancock,

C. B. No. 88, Joint resolution in relation to the republication of the Justice's Code of 1865–6, was taken up and

Read a first time, and

On motion of Mr. Hammon,

The rules were suspended and under the operation thereof the bill was read a second and third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Hobrough, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parker, Samson, Shaw, Sinclair, Wall, Wherry and Mr. Speaker.

None voted in the negative,

So the bill was passed.

The question then being on agreeing to its title and it being put,

The title was agreed to.

Ordered, That the Chief Clerk acquaint the Council therewith.

Mr. Iverson, by consent, introduced H. F. No. 76, Joint resolution appropriating money to aid Immigration.

Read a first time, and

On motion of Mr. Iverson,

The rules were suspended and under the operation thereof the bill was read a second time.

Whereupon Mr. Hammon moved to amend by inserting the names of "M. K. Armstrong" and "James S. Foster" after the words "Geo. A. Batchelder."

Which motion was agreed to.

On motion of Mr. Hammon,

The bill was considered engrossed, and

On motion of Mr. Iverson,

The rules were suspended and under the operation thereof the bill was read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the negative,

Ayes 8; noes 11, as follows:

Those voting in the affirmative, were

Messrs. Allen, Hancock, Hobrough, Iverson, Jerauld, LaRoche, Sherman and Wall.

Those voting in the negative, were

Messrs. Cross, Hammon, Keegan, Mills, Miner, Mostow, Parker, Samson, Sinclair, Wherry and Mr. Speaker.

So the bill was not passed.

Mr. Cross from the committee on Enrollment submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined C. B. No. 79, An act to incorporate the city of Emersonville.

C. B. No. 88, Joint resolution in relation to the republication of the justices code of 1865–6, and have instructed me to report the same correctly enrolled.

FRED. J. CROSS, *Chairman.*

COMMUNICATION FROM THE ACTING GOVERNOR.

Mr. Speaker presented the following communication from the Acting Governor:

SECRETARY'S OFFICE, D. T.,
Yankton, Jan. 13th, 1871.

To the Speaker of the House of Representatives,

SIR.—I have the honor to return H. B. No. 54, approved.

Very Respectfully, Your Ob't. Servant,

GEO. A. BATCHELDER,

Secretary and Acting Governor, Dakota Territory.

Mr. Hancock from the committee appointed to wait upon the Acting Governor to ascertain whether he has any further communications to transmit to this Legislative Assembly reported:

That the committee have discharged their duty as required and have to report that the Acting Governor has no further communications to make to this Legislative Assembly.

Mr. Hammon from the committee to confer with like committee on the part of the Council reported:

That there being no further business before this Legislative Assembly, the committee have agreed to recommend that the two Houses adjourn immediately.

ADJOURNMENT.

Whereupon Mr. Miner moved that the House do now adjourn *sine dine.*

Which motion was agreed to.

Accordingly the Speaker declared the House, at 11 o'clock and fifty minutes P. M., adjourned *sine die.*

GEO. H. HAND,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

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SLOAN, T. J.
nominated for clerk, 10.

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STACEY, C. E.
elected fireman, 11.
took oath of office, 11.

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SWEETSER, A. J.
granted use of hall, 13.

TURNER, J. W.
motions by, 18.
appointed on committees, 18.

VALENTINE, C. B.
elected assistant clerk, 10.
took oath of office,

WALL, E. W.
took oath of office, 7.

motions by, 16, 49, 52, 58, 76, 80, 150, 157.
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gave notice of bills, 61.
excused for non-attendance, 25, 92, 162.
submitted reports, 59, 83, 155.

WARD, REV. JOSEPH
elected chaplain, 12,

WHERRY, NOAH
took oath of office, 5.
presented petitions, 99.
motions by, 117, 128, 154, 198, 233.
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WILLIAMS, EUGENE
elected messenger, 12.
took oath of office,

WILLIAMS, THOMAS
nominated messenger, 12.